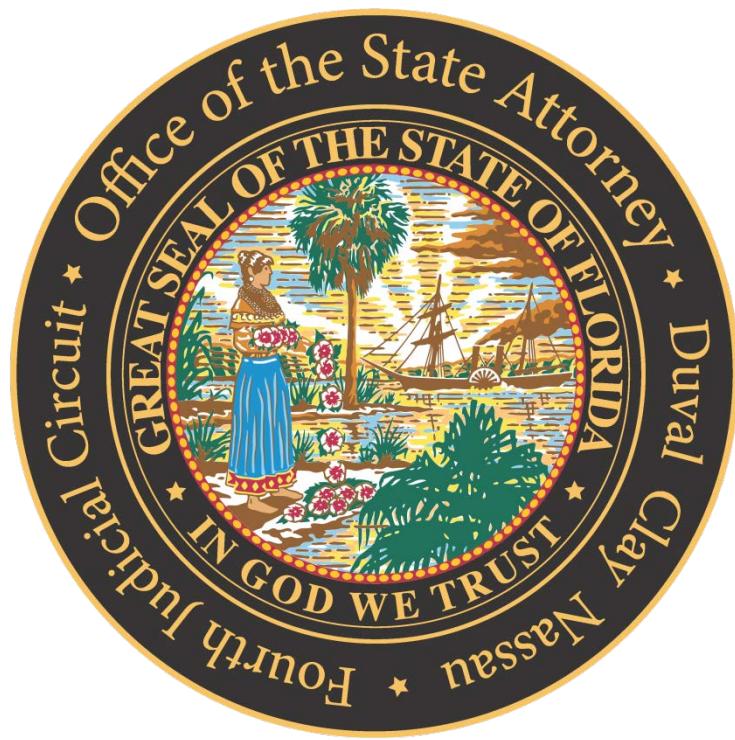


# Conviction Integrity Investigation

**State of Florida v. Hubert Nathan Myers**  
**State of Florida v. Clifford Williams, Jr.**



**State Attorney's Office  
Fourth Judicial Circuit of Florida**

March 27, 2019

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## I. EXECUTIVE SUMMARY

In 1976, 34-year-old Clifford Williams (“Defendant Williams”) and his nephew, 18-year-old Hubert Nathan Myers (“Defendant Myers”) were convicted of the murder of Jeanette Williams (“Victim Williams”) and the attempted murder of Nina Marshall (“Victim Marshall”).<sup>1</sup> Both men are currently serving life in prison. They have been incarcerated for the past 42 years.

Today, after review and reinvestigation of the case, evidence, and trial, the State of Florida no longer has confidence in the integrity of the convictions or guilt of the accused. This Executive Summary summarizes the facts in 1976, the evidence presented at trial, the lack of evidence tendered at trial on behalf of Defendants Myers and Williams, and the evidence discovered since that time.

On May 2, 1976, at approximately 1:30 am, Victim Williams and her girlfriend Victim Marshall were shot while asleep in their bed. While Victim Williams died instantly, Victim Marshall survived. After being shot, Victim Marshall stumbled out of her apartment, flagged down a passing car, and was taken to the hospital. At the hospital, Victim Marshall indicated that she and Victim Williams had been shot by Defendant Myers and Defendant Williams.

After the police arrived, the defendants were among a group of on-lookers who came down the street to the scene to see what had taken place. Defendants Myers and Williams stated they were at Rachael Jones’ birthday party at the time of the shooting. The party was held down the block from the victims’ apartment. Many of the party-goers confirmed that Defendants Myers and Williams were at the party when they heard gunfire. Despite their alibis, and based solely on Victim Marshall’s statement, both men were arrested less than two hours after the shooting.

Just two months after their arrests, the State of Florida jointly tried Defendants Myers and Williams, and sought the death penalty.<sup>2</sup> The first trial resulted in a mistrial.<sup>3</sup> During the second trial, the State offered Defendant Myers a disposition of five years in prison to resolve his case in exchange for testimony against his uncle Defendant Williams. Eighteen-year-old Myers, who had never been convicted of a felony and was facing the death penalty, declined.<sup>4</sup> Both men were subsequently convicted following a trial that lasted two days.

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<sup>1</sup> Defendant Williams and Victim Williams were not related.

<sup>2</sup> Present-day homicide prosecutions routinely take 18 months or longer to prepare for trial. The extended time typically results from forensic analysis of the evidence, investigation and discovery conducted by the defense, and pretrial motion practice. A capital case going to trial two months after arrest would be highly abnormal in this day and age.

<sup>3</sup> The mistrial resulted from an error, not a hung jury.

<sup>4</sup> During a recent interview, Defendant Myers said that he and his uncle were at the party, and testifying differently would have been untruthful. Myers’ recollection is that he was offered two years in prison if he would enter a plea to murder and would testify against his uncle. The plea offer was confirmed by the prosecuting attorney, who recalled

At trial, the State's theory of the case was that two shooters committed the murder. The State relied entirely on the testimony of Victim Marshall for its argument that the evidence supported the conviction of both defendants. Although the State did not present any testimony to support a motive at trial, the State's apparent theory of motive was that Victim Williams owed Defendant Williams \$50.00 for a drug debt. Defendant Williams was indeed a well-known heroin dealer and had a significant criminal record.

Victim Marshall testified at trial that the defendants entered her apartment, came into the bedroom she shared with Victim Williams, positioned themselves at the foot of the bed, and fired until each of their guns were emptied. Victim Marshall stated she saw muzzle flashes from both guns. Although dark, she testified that she could identify the men from the light given off by the bedroom television. The State's case solely consisted of Marshall's identification of the defendants. No physical evidence linked Myers or Williams to the shooting.

Victim Marshall's version of the shooting was not corroborated--and has not been corroborated since--by any other testimony, physical evidence, or scientific evidence. In fact, the physical and scientific evidence actually *contradicts* her testimony about what happened. The physical evidence indicates that the shooting occurred from *outside* and not from inside the bedroom as Victim Marshall described. This evidence consists of the following:

- The aluminum screen outside the bedroom window had a hole in it and the prongs of the damaged aluminum mesh pointed inward, an indication that the bullet traveled from outside to inside;
- Ballistic testing confirmed that all six rounds fired through the aluminum screen could create the damage documented in the scene photograph.
- The glass window pane (inside the screen) was shattered and broken glass was located inside the bedroom, beneath the window, and on top of the bed. No glass was located outside the window;
- Curtains that hung in front of the window were peppered with several small holes; a hole in the bottom corner of the window frame was identified as a bullet strike and contained gunshot residue;
- There were no other bullet strikes located within the bedroom;
- Five bullets and two bullet fragments, for a total of six bullets, were collected from inside the bedroom and the bodies of the victims.

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he made an offer to resolve Defendant Myers' case for five years in prison, but he did not remember requiring testimony as part of the offer.

- The bullet trajectory, based upon the documented wound path, is consistent with the bedroom window being the shooting position.
- The irregularly shaped entrance wound to the back of Victim Williams' upper arm is indicative of the bullet striking an intervening object prior to entering the arm, which substantiates the bedroom window as the shooting position.
- Auditory testing of the firing of rounds of .38 caliber ammunition concluded that rounds fired inside the bedroom could not be heard by people at the neighboring party while substantiating that rounds could be heard if fired outside the window.

Additionally, the evidence also contradicts Victim Marshall's account that two guns were emptied. Ballistics analysis concluded that the six bullets collected came from one gun and had been fired from a single, six-shot, .38 caliber revolver. There was no forensic evidence of a second gun being fired.<sup>5</sup>

It is apparent from the very first report written in this matter that law enforcement grappled with the inconsistencies between the physical evidence and Victim Marshall's account. They ultimately attempted to reconcile them by concluding "from physical evidence at the scene it appears as though the suspects in this case intended to make it look as though the victims had been shot by someone from the bedroom window . . .," theorizing that the shooter "set up" the scene to appear as if the shots had been fired from outside.<sup>6</sup> The problem is that this conclusion was inconsistent with what Victim Marshall said she saw, and does not explain all of the physical evidence.

Trial counsel for the defendants accepted the State's theory of how the shooting occurred and simply denied Victim Marshall's account of who committed the shooting. At trial, defense counsel waived opening statements, presented no witnesses, and entered no evidence. During closing arguments, defense counsels' focus was on Victim Marshall's lack of credibility as a witness. The physical evidence which contradicted Victim Marshall's testimony was inexplicably never known to the jury. There was no mention at trial of the damaged screen, broken window pane, glass on the bed, pierced curtains, or ballistics evidence.

Since their convictions, both defendants have maintained that they were at Rachael Jones' party at the time Victim Williams and Victim Marshall were shot. Many of the people whom they

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<sup>5</sup> In addition to the six .38 caliber bullets found from the scene, a .32 caliber bullet was removed from the body of Victim Williams and was included in the items received by law enforcement from the Medical Examiner's Office. The .32 caliber bullet was not part of this shooting event, and the ME noted the bullet was surrounded by scar tissue. The bullet was then forwarded by law enforcement to the ballistics expert. The .32 was mentioned in both the medical examiner report and ballistics report. It seems that perhaps this .32 caliber bullet may have inadvertently advanced the "two shooter" theory.

<sup>6</sup> General offense report, p. 16.

were with at the time of the shooting are alive today and still confirm what they said in 1976-- that Defendants Williams and Myers were at the party at the time shots rang out. None of these individuals were called to testify at the trial.

After decades of maintaining their innocence, and filing multiple unsuccessful motions for post-conviction relief, these 1976 convictions are now before the State Attorney's Office via a petition for review submitted to the Conviction Integrity Review ("CIR") Division.

On January 17, 2017, Defendant Myers sent a letter to the State Attorney's Office claiming he was innocent of having committed the crimes for which he was convicted and requested assistance.<sup>7</sup> The office accepted review of the matter and engaged in a comprehensive and thorough review of the case. The CIR investigation confirmed multiple alibi witnesses, who recall being with both defendants at the nearby party when shots were fired. The investigation also confirmed Defendant Myers' claim that another man – *Nathaniel Lawson* – admitted to several people that he shot the women through the window, killed Victim Williams, and regretted that Defendants Myers and Williams were "doing time" for his crime. Lawson died in 1994; however, the people to whom he made these incriminating admissions are living. Importantly, after confirming that Lawson indeed claimed that he murdered Victim Williams, the CIR investigation was able to independently confirm Lawson's presence at the scene at the time of the shooting.

Every investigative step the CIR took corroborated Defendant Myers' claim of innocence, and placed into doubt Victim Marshall's identification. Notably, although not admissible as evidence at trial, Defendant Myers readily consented to undergo a JSO-administered polygraph examination when it was requested by the CIR.<sup>8</sup> That examination showed Defendant Myers answered the questions truthfully.

While no single item of evidence, in and of itself, exonerates Defendant Myers or Defendant Williams, the culmination of all the evidence, most of which the jury never heard or saw, leaves no abiding confidence in the convictions or the guilt of the defendants. It is the opinion of the CIR that these men would not be convicted by a jury today if represented by competent counsel

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<sup>7</sup> Myers claimed he read an article in the Florida Times Union newspaper where State Attorney Melissa Nelson stated she was interested in creating a unit within the office to review wrongful convictions. In his letter, he made five claims: (1) he had 35 alibi witnesses who were at a birthday party where he was a guest at the time of the offense, who were not called as witnesses at trial; (2) a neutron activation test was conducted on his hands less than 3 hours after the shooting and showed no gunshot residue; (3) testing showed gunshot residue on the window frame from the bedroom window which was not admitted at trial; (4) there was evidence that the shooting occurred outside the bedroom window; and (5) the only evidence at trial to support his conviction was that of an eyewitness. Defendant Myers followed up this letter with a copy of the ballistics report and an affidavit from a man, who affirmed that Nathaniel Lawson had confessed to having committed this murder.

<sup>8</sup> Defendant Williams also readily agreed to submit to a polygraph but was unable to complete the examination due to his diminished cognitive ability.

who presented all of the exculpatory evidence that exists in this case for the jury's consideration. This report outlines the basis for that opinion.

## **II. THE STATE ATTORNEY'S ROLE IN CONVICTION INTEGRITY**

It is a priority of this office to maintain public trust and confidence while seeking justice for the citizens who live within the Fourth Judicial Circuit. Justice encompasses seeing that the correct result occurs, ensuring that the guilty are convicted and appropriately punished, and ensuring that the innocent are not. The State Attorney's Office for the Fourth Judicial Circuit recognizes that prosecutors have a continuing, post-conviction ethical obligation to pursue justice. When an innocent man or woman is convicted and the guilty person is not held accountable justice as a whole suffers. Moreover, the individuals involved in the case bear the brunt of this miscarriage--the accused who is wrongly punished, the community and their confidence in the criminal justice system, and, most importantly, the victim of the crime who has not received true justice.

Prosecutors are members of the Florida Bar, and as such, we are governed by the Rules of Professional Conduct of the Florida Bar, which require prosecutors to act upon "new, credible and material evidence" that creates a reasonable likelihood that a convicted defendant did not commit the offense for which the defendant was convicted. The obligation to do justice continues when new, credible, and material evidence show a person is factually innocent. We, therefore, are willing to consider and review cases in which credible information is provided suggesting that a prior conviction may not be right.

## **III. PROCESS NOW EMPLOYED BY THE STATE ATTORNEY'S OFFICE**

Beginning in 2007, local prosecutors' offices around the country began developing conviction integrity units to review claims of wrongful conviction. There are now approximately 30 units around the country. The theory is simple--unlike most lawyers, the prosecutor's role is unique because he or she is to do justice first and pursue the wishes and desires of others second. Following much study and review of the current best practices, this office proudly created the first conviction integrity unit in the State of Florida in January 2018. In furtherance of our ethical obligations, the purpose of the CIR is to review and investigate claims of actual innocence, and provide analysis and assistance to address the prevention of errors/issues which might lead to a miscarriage of justice. The CIR is tasked with investigating and resolving claims of actual innocence arising out of felony convictions obtained in the Fourth Judicial Circuit that are capable of being substantiated by credible, factual information or evidence previously not considered by the original finder of fact. Plausible claims of actual innocence are those which are worthy of acceptance and provide a reasonable and probable likelihood that the petitioner did not participate in or commit the crime.

Every petition submitted to the CIR is reviewed by the director of the division and an investigator in accordance with the CIR's promulgated policies and procedures. If the petition meets the criteria, an investigation is initiated. Each case is investigated based upon the unique facts and circumstances of the claim. The CIR's investigation may include, but is not limited to, a review of agency files or other relevant documents, review of trial, appellate and post-conviction legal briefs and transcripts, conducting witness interviews and obtaining sworn statements, submitting evidence for testing or retesting at the discretion of the office and based upon the availability of funds, and otherwise examining and investigating the claims made by the petitioner.

Once the CIR has concluded its independent review and investigation, a report and recommendation is submitted to an Independent Audit Board (IAB) comprised of five members of our community. These individuals have committed their time, pro bono, to review the findings of the CIR to verify that the recommendation of the CIR is supported by substantial and credible facts and information. The elected State Attorney is vested with the sole authority to make the final decision to conclude the matter as appropriate.

#### **IV. POTENTIAL OPTIONS**

This report is a summary of the investigation that was conducted, the findings of our review, and the basis for the CIR recommendation. At the conclusion of a review and investigation, the recommendation of the CIR will take one of two forms. First, the CIR may conclude that the petitioner's claim is not supported by credible evidence or is not susceptible to further investigation. If this happens, the CIR will deny the claim and will not recommend a change in legal status. The CIR will not second-guess jury decisions about witness credibility or the weight of the evidence. When a jury has considered the same evidence without more, the CIR will not substitute its judgment for theirs.

Second, the CIR may locate credible evidence that exonerates a defendant or that shows such substantial doubt about a defendant's guilt the conviction may not be reliable. When that happens, the CIR will recommend that the State Attorney's Office initiate, or not oppose, a motion to vacate the conviction based upon:

- A.** A substantiated lack of faith in the original conviction because substantial, credible evidence calls into question the integrity and reliability of the conviction or the manner in which the conviction was secured. The CIR may not be able to affirmatively prove the innocence of the accused, but the overwhelming weight of the evidence supports the accused's claim of innocence, or the manner in which the conviction was obtained undermines trust in the process. If the conviction is overturned, further prosecutorial action, such as retrial of the case, may be warranted; or

**B.** The fact that the reinvestigation of the case establishes factual innocence based upon substantial, credible evidence, and there is affirmative evidence of the accused's innocence. If the conviction is overturned, the State would most likely dismiss the information or indictment.

## **V. THE 1976 CRIME**

### **A. Overall Summary**

By way of background information, in May 1976, Victims Williams and Marshall were in a romantic relationship and lived in a first floor apartment at 1550 Morgan Street, Apartment #1, Jacksonville, FL. Victim Williams had lived in the apartment for some time with a prior roommate, Ms. Christine Mitchell. Mitchell had one bedroom and Victim Williams had the other. Mitchell was prosecuted for sale of heroin and went to prison in 1975. Prior to being sentenced to prison, Mitchell had been in a relationship with Defendant Williams. Defendant Williams was married at that time to Barbara Williams, but he was seeing Mitchell and would visit her apartment at 1550 Morgan Street. Defendant Williams is not related to Victim Williams. Defendant Myers is the nephew of Defendant Williams, and he would hang out with his uncle often, so Mitchell and Victim Williams knew both men. When Mitchell went to prison, she asked Defendants Myers and Williams to keep watch over the apartment. Defendant Williams paid the rent, and Defendant Myers would stay at the apartment on occasion. Defendants Williams and Myers both had keys to the apartment.

Victim Marshall began dating Victim Williams at the beginning of 1976, shortly after Victim Marshall finished serving a prison sentence and was released from prison. At some point in the spring of 1976, Victim Marshall moved into the apartment at 1550 Morgan Street with Victim Williams where they shared Victim Williams' bedroom. (See Exhibit A). Victim Williams worked at a car wash, and Victim Marshall was unemployed at the time. Victim Marshall was an admitted heroin user, and she would sell drugs to support her habit. Victim Marshall testified that Victim Williams also used and sold small quantities of drugs.

Defendant Williams was a heroin dealer who also owned a pool hall on the corner of Davis and 1st Street.<sup>9</sup> According to Defendant Williams, the pool hall had several pool tables, a juke box, and was a convenience store where people could buy drinks, snacks, and essentials. Defendant Myers managed the pool hall for his uncle. He would open the pool hall in the mornings and would hang around there much of the day.

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<sup>9</sup> Due to his criminal activities, Defendant Williams had attracted the attention of the police. He had been arrested several times and, according to several witnesses, he was the target of frequent police contact.

On the evening of May 1, 1976, into the early morning hours of May 2, 1976, a birthday party for Rachael Jones was taking place at her apartment located at 1604 Morgan Street, Apartment #2, which was down the block from Victim Williams' apartment. The apartment buildings are quadraplexes constructed of concrete block and have two apartments on the first floor and two apartments on the second floor. There are four of these identical apartment buildings, side by side to one another. The building where the party was taking place is located approximately 150 feet down the street from the apartment building where Victim Williams lived. (See Exhibit B).

Sometime around 1:00 am, Defendant Williams and his wife, Barbara, Defendant Myers, Raymond Rico Rivers, and Rosetta Simmon (friend of Barbara Williams) arrived at the party together. There were many people at the party, all packed into a small apartment. Sometime later, between 1:30 and 2:00 am, the party-goers described hearing what sounded like gunshots being fired. The people at the party stopped what they were doing for a few minutes to see what would happen, and then carried on with the celebration. A short time later, the police and rescue arrived at 1550 Morgan Street. Someone came into Rachael Jones' apartment to announce the police were parked in front of Victim Williams' apartment building, and everyone left the party to see what had happened.

Once outside, Defendant Myers announced himself to the police, told the police that he stayed at the apartment, and was asked by the police to identify a person inside the apartment. Defendant Myers went inside and identified Victim Williams as the deceased. He went back outside and remained with the crowd. Shortly thereafter, at 3:00 am, Defendant Williams was approached by the police, handcuffed, and arrested. Before being transported, Defendant Williams asked individuals at the scene to contact his attorney and make a list of the people at the party. Shortly thereafter, at 3:10 am, police arrested Defendant Myers and transported both men to the police station for questioning.

Victim Marshall had also been shot. She was able to make her way out of the apartment, flagged down a passerby in a vehicle, Mr. Harold Torrence, and was taken to the hospital by him. She provided Mr. Torrence no information about what had taken place other than she had been shot and she thought Victim Williams was dead. They arrived at the Emergency Room at 2:07 am. While in the Emergency Room, Victim Marshall communicated to a police officer that she had been shot by "Clifford Williams" and "Nathan" and asked that someone check on Victim Williams. This is what led to the arrest of Defendants Williams and Myers in the early morning hours of May 2, 1976.

Both Defendants Myers and Williams told the detectives they had been at Rachael Jones' birthday party, and both denied shooting a gun at any point that night. The detectives ordered a gunshot residue kit be used to collect possible evidence off the hands of both Defendants

Williams and Myers. This was done around 5:45 am while both men were in custody. The men were then booked and remained in custody until their trial.

## B. The JSO Investigation and Physical Evidence

Jacksonville Sheriff's Office ("JSO") homicide detectives arrived at the apartment around 2:45 am, and began processing the scene. Victim Williams was found lying in her bed, face down on her stomach, with her right cheek on the mattress, and her legs extended toward the foot of the bed. The detectives noticed that there was a hole in the screen of the bedroom window, that the glass pane was broken, and that there was glass in the bed. The hole in the screen was "pushed from the outside to the inside." (Bradley, p. 11). The screen and the window were taken into evidence, and the window was sent off for analysis at the crime lab. Detective Bradley thought that the screen was also sent off for analysis and came back with gunpowder on it, although he could not be sure.<sup>10</sup> (Bradley, p. 12); [John Bradley](#).

The detectives noted some small holes in the curtains that were hanging in front of the window, but the curtains were not collected. Detective Bradley checked the area outside the window for fingerprints, but did not find any. Two bullets were located by JSO in the bedroom, one on the mattress and one on the floor under the bedroom window. The remainder of the bedroom was relatively undisturbed, with the exception of blood which had pooled on the mattress and the floor. A crime scene detective photographed the interior and exterior of the apartment.<sup>11</sup> [Williams-Myers](#); [Williams Photos 2](#).

While they were still at the scene, the detectives received communication from a police officer at the hospital and were told that Victim Marshall had identified Defendants Williams and Myers as the shooters.<sup>12</sup> Defendants Williams and Myers were part of a large crowd, mainly comprised of the party-goers who gathered when the police arrived. They were located in the crowd and arrested.

The detectives understood that Defendants Williams and Myers claimed to have been down the street at Rachael Jones' apartment at the time of the shooting. The detectives spoke to Rachael Jones at the time of the defendants arrest and interviewed many of the party guests over the next few weeks who confirmed Defendants Williams and Myers presence at the party at the time they heard gun fire.

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<sup>10</sup> There is no report in the SAO file of an analysis of the screen.

<sup>11</sup> The physical items seized are no longer available, so we relied on the details documented in the police reports and depositions.

<sup>12</sup> This officer happened to be at the hospital investigating another matter when Victim Marshall was admitted.

### C. The Gunshot Wounds

Victim Williams sustained four injuries: one to the back of her head and three to the back of her left upper arm. The bullet that entered the back of her head proceeded upward toward the midline of the forehead where a .38 caliber bullet was recovered during autopsy. (ME diagram, GSW #4) This injury was fatal, and rendered her immediately incapacitated. According to the medical examiner, Victim Williams would have been rendered unconscious and there would have been no meaningful movement after receiving the head injury. (Dr. Lipkovic, TT, p. 5, 7); [ME Testimony](#). Of the upper arm injuries, a bullet entered the back of the left upper arm, and was recovered in the shoulder joint (GSW #1); a bullet entered midpoint between the elbow and shoulder and exited out the front of the arm (GSW # 2), and a third bullet entered the back of the left arm at the elbow and traveled to the inside of the forearm (GSW #3). This bullet struck bone and fragmented with a large piece of the fragment exiting the inside of the lower arm and a small fragment was recovered in the forearm. (Dr. Lipkovic, TT, p. 7); [Autopsy Report / Autopsy Diagram JW](#).

The Medical Examiner also discovered a .32 caliber bullet during the autopsy of Victim Williams and made mention of this in his report. Although this bullet was collected and given to law enforcement, the report concluded that this injury was old and not relevant to this event as it had healed and was surrounded by scar tissue.

Victim Marshall sustained three injuries: two bullets entered the left side of her neck, one exited the front part of her neck at the level of the thyroid, and the other exited the right side of her neck. The third injury was to her left forearm and a damaged bullet was recovered. (Dr. Stephenson, TT, p. 4); [Testimony of Marshall's Doctor](#).

### D. Ballistics Analysis

The detectives collected the following bullets and bullet fragments from the crime scene:<sup>13</sup>

- Two .38 caliber bullets (listed as recovered from the body of Victim Williams);
- A bullet fragment (listed as recovered from the body of Victim Williams);
- One .38 caliber “damaged bullet” portion (listed as recovered from the body of Victim Marshall);
- Two .38 caliber bullets recovered from inside the apartment;
- One .38 caliber bullet (collected from the apartment maintenance man who stated he found the bullet in the bedroom); and

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<sup>13</sup> Information documenting the recovery of the bullets can be found in the general offense report, medical examiner’s report, and testimony of the Medical Examiner and Victim Marshall’s physician.

- One .32 caliber bullet (listed as recovered from the body of Victim Williams but determined to be an artifact from a prior and unrelated shooting).

These items were then submitted to the Tallahassee Regional Crime Lab for analysis. According to the Tallahassee Regional Crime Laboratory report, authored by Mr. Don Champagne on July 5, 1976, all of the .38 caliber bullets submitted in this case came from the same gun, a .38 caliber revolver. No other caliber bullets were recovered from the scene, and no other caliber bullets were recovered from the bodies of the victims, with the exception of one .32 caliber bullet recovered from Victim Williams that was medically established to be irrelevant to this event.<sup>14</sup> Additionally, the two bullet portions were consistent with the other .38 caliber bullets submitted but were too damaged “for conclusive examination results.” The use of a revolver was also substantiated by the lack of any shell casings at the scene, since a revolver does not eject shell casings. [FDLE Report](#); (See Exhibit C).

#### **E. Statements of Key Alibi Witnesses**

The attorneys for Defendants Myers and Williams filed a Notice of Intent to Claim Alibi, and listed 43 people on that document. Some of these individuals were interviewed by the police the night of the murder or in the days following the incident. Others were deposed by the State. Some were never interviewed or deposed.

Consistent among the statements of the alibi witnesses who were interviewed was that a large group had gathered at Rachael Jones’ apartment to celebrate her birthday. Rachael Jones was gay, as were many of the women who lived on the block, and they were a close knit group of friends. Everyone chipped in a few dollars for food and drinks, including Defendant Williams.

The people on the block knew Defendants Myers and Williams, and they had been invited to the party by Caroline McDaniels. Defendants Myers and Williams came to the party sometime around 1:00 am with Barbara Williams (Defendant Williams’ pregnant wife), Rico Rivers, and another woman known as “Cookie.” Several people stated that they did not know Cookie, but described her as a heavyset woman who was a friend of Barbara Williams. People recalled the defendants each getting a plate of food in the kitchen, and most remembered Williams’ wife being offered a seat at the kitchen table because she was pregnant. Consistent among people’s recollection was that during the party they heard multiple gunshots fired and stopped doing whatever they were doing for a minute. Hearing gunshots in this neighborhood was not unheard of, but was not so common as to go unnoticed. People recalled looking around at one another to assess the situation. Many people said that Defendant Williams stepped out on the

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<sup>14</sup> Autopsy revealed “a .32 caliber lead bullet which is located close to the skin and is completely surrounded and capsulated in fibrous tissue. This apparently represents an old gunshot wound with evidence of healing.” (See Medical Examiner’s Autopsy Report, p. 3.)

porch of the apartment, with his plate of food, to look outside, and then came back in and said he didn't see anything. Most people described Defendant Myers as sitting in the living room eating his plate of food at the time the shots were heard. Joann Fleming was specially asked if Defendant Myers went outside with Defendant Williams to check on the source of the shooting, and she testified that he had also gone outside. (Fleming, p. 6-7). Everyone who heard the shots described them as loud. No one interviewed saw Defendants Myers or Williams leave the party prior to hearing the shots.

Shortly after hearing the shots, someone came into the party and announced that rescue and the police were down by Victim Williams' apartment. Everyone from the party, including Defendants Williams and Myers, went outside and down the street to find out what had happened. When it was discovered that Victim Williams had been shot and killed, her friends and neighbors were distraught.<sup>15</sup> (See Appendix I--summary of individual statements).

### i. **Barbara Williams**

Barbara Williams was deposed by the prosecutor in 1976.<sup>16</sup> She and her friend Cookie (Rosetta Simmon) met up with Defendant Williams, Defendant Myers, and Rico Rivers at Rip's Corner located on Davis Street prior to driving to Rachael Jones' party. (Williams, p. 6-7, 17). Mrs. Williams stated they stayed at the party once they got there, and she named several people she knew who were present. (Williams, p. 24-25). Mrs. Williams stated that she never saw a gun that night, and she verified both defendants were at the party. (Williams, p. 40). When she heard gunshots fired, she remembered seeing her husband in the living room with a plate of food in his hands. (Williams, p.34). Defendant Myers was also in the living room, and Rivers was standing next to the refrigerator in the kitchen. (Williams, p. 35). She remembered Defendant Williams going to the apartment door and looking out and making a comment about a drunk or someone shooting. (Williams, p. 37). [Barbara Williams Deposition](#).

### ii. **Rico Rivers**

Raymond "Rico" Rivers was deposed by the prosecutor.<sup>17</sup> He stated he knew both Defendants Williams and Myers, and was with Defendant Williams for most of the afternoon and evening of May 1 into May 2, 1976. He and Defendant Williams had first been at the Pickup Lounge and

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<sup>15</sup> The people whose interviews were documented in 1976 include: Nellie Mae Anderson, Dorothy Benson, Kay Frances Brown, Pauline Dawson, Joann Fleming, Ethel Howard, Rachael Jones, Ella Ruth Maddox, Carolyn McDaniels, Raymond Rico Rivers, Rosa Lee Royster, Vanessa Snype, Deborah White, Virginia Wilkerson, and Barbara Williams.

<sup>16</sup> Barbara Williams is homeless and the CIR spent several months attempting to locate her.

<sup>17</sup> Raymond Rico Rivers resides at a local nursing home. According to the nursing staff he suffers from dementia. We attempted to speak with him on three occasions, but were unable to have a meaningful conversation.

then went to Rip's Corner during the late night hours of May 1st. He saw Barbara Williams at Rip's Corner and went to the party at Rachael Jones' apartment with her, her friend Cookie, Defendant Myers, and Defendant Williams. He believed that they arrived around 1:30 am. (Rivers, p. 13-17).

Mr. Rivers stated they all made their way to Rachael Jones' kitchen to get a plate of food when they got to the party. Mr. Rivers stated that Barbara Williams was sitting at the table in the kitchen, and Defendant Williams had a plate of food and was there talking to her. He remembered Defendant Myers getting a plate of food and going into the living room to sit and eat. Mr. Rivers was confident that Defendants Williams and Myers had not left the party, and he remembered seeing them with plates of food. (Rivers, p. 23-25).

After being at the party for approximately 15-20 minutes, Mr. Rivers remembered hearing 4-5 gunshots. At that time, he was still standing in the kitchen eating. His testimony was that Defendant Williams was also in the kitchen, and Defendant Myers was sitting in the living room. (Rivers, p. 30). He stated when the shots were fired some people outside the apartment ran inside. A few minutes later, he and Defendant Williams walked out the front door to see what was going on. Later, when the police arrived, people from the party walked down to see what was going on. (Rivers, p. 32-35). He was present when both defendants were arrested. (Rivers, p. 35-36); [Rico Rivers Deposition](#).

### iii. Virginia Wilkerson

Virginia Wilkerson was deposed by the prosecutor.<sup>18</sup> She lived in the apartment building next to Victim Williams and her front door faced the front door of Victim Williams' apartment. During her deposition, Ms. Wilkerson testified that she and the other women on the street were upset by Victim Williams' death because she was like a sister to them, but she was also confrontational with the prosecutor during her deposition because she could not understand how Defendants Myers and Williams could be involved in Victim Williams' death. (Wilkerson, p. 18-19, 27).

Ms. Wilkerson remembered Defendant Williams, Defendant Myers, Barbara Williams, Rico Rivers, and another woman coming to the party shortly after 1:00 am. (Wilkerson, p. 9). She saw them in the kitchen, and Williams' pregnant wife was offered a seat at the kitchen table. (Wilkerson, p. 12). Ms. Wilkerson described a lot of people being at the party; people were in the living room, kitchen, and both bedrooms. (Wilkerson, p. 13). She placed Defendants Myers and Williams in the living room with everyone and stated she had been "in [sic] the floor jiving with Boonie (Defendant Williams) and them." (Wilkerson, p. 18-19). She stated that when someone announced that rescue had arrived, everyone from the party went outside to see what

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<sup>18</sup> Virginia Wilkerson is deceased.

was going on, including Defendants Williams and Myers. (Wilkerson, p. 16-17). [Virginia Wilkerson Deposition](#).

## VI. TRIAL AND POST-CONVICTION PROCEEDINGS

The State of Florida indicted both men for first-degree murder and attempted murder, and sought the death penalty. The defendants were arrested on May 2, 1976, and their first trial commenced on July 22, 1976, and ended in a mistrial. The second trial began on September 1, 1976, lasted a total of two days, and resulted in convictions. At the second trial, the State called six witnesses: Nina Marshall (victim), Officer John Zipperer (arrived on scene), Dr. Peter Lipkovic (medical examiner), Dr. Sam Stephenson (Marshall's surgeon), Detective Richard Bowen (investigating detective), and Harold Torrence (transported Victim Marshall to ER). Additionally, the State entered nine photographs of the scene into evidence.

After finding the defendants guilty, the jury recommended life in prison for both men, yet the trial court overrode the jury's recommendation and sentenced Defendant Williams to death and Defendant Myers to life. Direct appeals were filed on behalf of both men, and Defendant Williams' case was reviewed by the Florida Supreme Court. The Florida Supreme Court held that there were no aggravating factors to support the death sentence and reversed the sentence to life. Defendant Myers' judgment and sentence was affirmed on appeal.

Attorney Margaret Good-Earnest represented Defendant Williams on direct appeal.<sup>19</sup> She had spoken to both defendants on several occasions during her representation and had visited Defendant Williams on death row. Both men consistently maintained their innocence during her representation. They told her that they were down the street at the birthday party and that they were not the shooter(s). Additionally, Ms. Good-Earnest recalled speaking to Jim Harrison, who was Defendant Williams' trial attorney. Harrison told her that he had represented Defendant Williams on several occasions and that Defendant Williams had always been truthful with him. Harrison shared that he had "point blank" asked Defendant Williams if he was involved and Defendant Williams told Harrison that he was not. Mr. Harrison told her that he thought Victim Marshall's testimony was not credible and he thought it was important to have the first and last closing arguments, which procedurally he could only get if the defense called no witnesses and did not enter any evidence.<sup>20</sup>

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<sup>19</sup> Margaret Good-Earnest graduated from Florida State University College of Law in 1975. She was a board certified appellate specialist until her retirement in 2018. [M. Good CV, Appellate Attorney](#)

<sup>20</sup> Historically, the defense was afforded first and last closing arguments, with the State's closing sandwiched in the middle, if the defense failed to call any witnesses or enter any evidence at trial. Trial strategy required counsel to weigh the impact of speaking to the jury last verse presenting evidence for the jury's consideration. The Florida Rules of Criminal Procedure have since changed and do not allow for first and last closing arguments by defense counsel.

Defendants Myers and Williams have filed a number of *pro se* post-conviction motions over the years, always maintaining their innocence. Both filed motions alleging that they only learned that there was evidence that the shooting came from the bedroom window and about the exculpatory 1976 Tallahassee Regional Crime Lab ballistics report upon filing a public records request. In another post-conviction motion, Defendant Myers asserted that the confession to the crime by Nathaniel Lawson (discussed further below) constituted newly discovered evidence. Each post-conviction motion was denied.

## VII. CIR INVESTIGATION

Based upon the information and attachments provided in Defendant Myers' letters, Defendant Myers' petition met the criteria for CIR review. Defendant Myers presented a plausible claim of actual innocence and provided or referenced credible evidence that, if confirmed, would substantiate his claims. Therefore, review of the case was initiated.

### A. Purported Alibis

Defendants Myers and Williams have consistently maintained, from the evening of May 2, 1976, to the present, that they were at Rachael Jones' birthday party at the time of the shooting. The general offense report ("GOR") corroborates that Defendants Myers and Williams were part of a large group of people who came down the street to the apartment to see why the police were present. (GOR, p. 4); [General Offense Report](#). Defendant Myers approached the police to say that he lived in the apartment and asked what had happened. Defendant Williams also approached to speak with the police. Police asked Defendant Myers to identify the woman inside, which he readily did, and stated, "My God, it's Baldie." Baldie was the nickname of Victim Williams. (GOR, p. 5). According to Officer O'Bryant, Defendant Myers appeared to be upset when he identified Victim Williams. When asked to describe what he meant, Officer O'Bryant stated that Defendant Myers "appeared to be emotionally distraught, very emotional." (O'Bryant depo, p. 34); [Doyle O'Bryant](#). That night, the police were able to speak to Rachael Jones and established that a party had indeed taken place down the street at her and Francis Brown's apartment, and that Defendants Myers and Williams were present.

Both defendants were arrested within 30 minutes after the police arrived on the scene. According to Detective Bradley, who arrested Defendant Williams, Defendant Williams was angry about being arrested. (Bradley, p. 15); [John Bradley](#). Upon being taken into custody Defendant Williams' yelled out to people in the crowd to get the names of the people at the party and told Defendant Myers to contact his attorney.<sup>21</sup> (GOR, p. 5). Officer O'Bryant, who transported Defendant Williams to the jail, stated that Defendant Williams said "that he was at

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<sup>21</sup> This request would have made little sense if Williams knew that Myers had also participated.

the party, he's got lots of witnesses to prove he was at the party down the street, and that he was nowhere near the place." (O'Bryant, p. 48). From the very beginning, and over the course of the past 42 years, Defendant Williams has maintained that he was at the birthday party down the street at the time of the shooting.

Shortly after his uncle was arrested, Defendant Myers was arrested and placed in the back of Officer Horne's patrol car.<sup>22</sup> In his sworn deposition, Officer Horne described Myers as "scared, maybe frightened." In describing what he meant, Officer Horne said "I can't explain the look, to me he looked like, I'm not saying he was guilty or anything, I'm saying like maybe he was scared, like, 'These guys are trying to pin something on me,' or you know, 'I'm going to jail,' just like a worried look, like anybody would be." (Horne, p. 49); [Robert Horne](#).

During Defendant Myers police interview with detectives that morning, Detective Bradley testified that Defendant Myers told him, "I don't have nothing to worry about, I didn't shoot her" and he provided information that he had been at the party. Defendant Myers was then asked if he had fired a gun within the last 24 hours, to which he replied, "No." (Bradley, p. 33-34).

Given this backdrop, the CIR spent several months trying to locate and speak with the alibi witnesses listed on discovery by the defense. Most are now deceased. Most of the women with whom we spoke lived on Morgan Street at the time of the incident and appeared to have warm feelings for Victim Williams, whom they knew as Baldie. They all knew her well and were upset by her murder.

These women did not seem to care much for Victim Marshall, and several told us that they were not happy that Victim Williams was in a relationship with her. Victim Marshall was a known prostitute and drug user, and had a reputation among the people in the neighborhood for ripping off drug dealers. Most never saw Marshall after the shooting, and they tried to avoid her because they did not want to get wrapped up in whatever led to the shooting. No one had anything negative to say about Defendant Myers. A few women recalled that he had recently graduated from high school and they heard that he had received a scholarship to play football in college. No one had particularly good things to say about Defendant Williams. He was described as "in the streets," and a few people mentioned that he had a reputation for selling drugs. Most people acknowledged they knew Defendant Williams but stated they did not spend much time socializing with him.

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<sup>22</sup> Defendant Myers' behavior on scene appears inconsistent with guilt. If Defendant Myers had participated in the shooting of Victim Marshall and Victim Williams, as soon as he went inside to identify Victim Williams as the deceased, he would have known that Victim Marshall was not present, had survived and escaped, and yet he and Defendant Williams stayed on scene. If guilty, once his uncle was arrested, he would have known his arrest was imminent, yet he remained, to be arrested ten minutes later.

Although some witnesses had good recall of the events, most of the witnesses we located could not remember the details from 40 years ago. They could remember that Defendants Myers and Williams were at the party, but they were hesitant to rely on their memory for more details. None of the witnesses stated that they had been threatened, coerced, financially rewarded to provide a statement on Defendants Myers or Williams' behalf, or in any way suggested their 1976 statements were untruthful. It was clear they grieved the loss of their friend, most attended her funeral,<sup>23</sup> and during our interviews there was no suggestion that they would have provided a false alibi for Defendants Myers or Williams given their friendship with Victim Williams. When asked how they reconciled their knowledge about Defendants Myers and Williams being at the party with their subsequent convictions, many witnesses stated they simply thought the police must have known something they did not know about the incident.<sup>24</sup>

#### **i. Joann Fleming**

Ms. Fleming lived in the apartment next door to Rachael Jones. She was back and forth between her apartment and Rachael Jones' apartment the night of the party. After 40 years, she still has a specific and clear recollection of seeing Defendant Williams at the party when the shots rang out. She was firm in her belief that he was not the shooter. Her recollection of Defendant Myers was less clear, and she stated that she would have to rely on her deposition testimony regarding him.

#### **ii. Vincent Williams**

Vincent Williams is the cousin of Defendant Williams and second cousin of Defendant Myers. He was listed as an alibi witness. He graduated from Raines High School in 1973 and is 10 years younger than Defendant Williams. After high school he had odd jobs, was in the Army from 1979-1981, and was in the National Guard for 4 years. He worked in civil service for NAS JAX for 20 years as a jet engine mechanic, and then worked at the Post Office for 7 years. He is now retired.<sup>25</sup>

On the night in question, he said that he had seen Defendant Williams earlier that night, and Defendant Williams mentioned they were going to a surprise party for a friend and invited Mr. Williams to stop by. Mr. Williams said that he was still living at home at the time and was intrigued by Defendant Williams and his fast lifestyle. His parents were trying to keep him out of the streets and did not want him hanging out with his cousin, so his plan was to go by the

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<sup>23</sup> Located in the State Attorney Office's file is a copy of the guest book from the funeral of Victim Williams.

<sup>24</sup> Of the original alibi witnesses listed by the defense, we located: Dorothy Benson, Kay Frances Brown, Belinda Bryant, Pauline Dawson, Joann Fleming, Ella Ruth Mattox, Rico Rivers, Vanessa Snype, Deborah White, and Vincent Williams.

<sup>25</sup> Vincent Williams has criminal history. He is a convicted felon for possession of cocaine and worthless checks.

party, hang for a bit, and leave. He was driving a 1968 Dodge, and had to park down the street because cars were parked on both sides of the road.

Mr. Williams said the apartment was on the first floor, and it had a porch area off the front door. He remembered the apartment was small and there were a lot of people inside. He went in and found Defendant Williams to say hello. Defendant Williams was in the kitchen, and Defendant Myers was in the living room. He thinks Myers was eating when he walked in. He said the kitchen was right off the living room, and you could see into the kitchen from the living room. He remembered people drinking and dancing. He did not really know anyone else at the party other than Williams and Myers.

Mr. Williams was present when everyone heard shots fired. He remembers seeing Defendants Myers and Williams in the apartment at that moment. He believes that Williams walked out of the kitchen to the front door, looked outside, and then came back in. Then people kept dancing. He left approximately 15 or 20 minutes later, but he did not see any police cars when he left. He was flattered that he had been invited to the party by Williams, but he did not plan to stay long because he knew his parents would not approve.

He learned a few days later that Defendants Myers and Williams had been arrested. When his father learned that he had been at the party, he was told by his dad that he needed to tell what happened so that they could get to the bottom of it.

Mr. Williams said that he went down to Defendant Williams' attorney's office and told him what he knew. He mentioned that he had sat all day somewhere, maybe the trial, and was never called as a witness. He could not remember ever speaking to detectives or the prosecuting attorney. He did not understand how Defendants Myers and Williams were convicted, but he went on with his own life. He said that he has not been in touch with either defendant in many years.

Even though Mr. Williams is related to both Defendants Myers and Williams, his testimony appeared reliable. For instance, he correctly described the layout of Rachael Jones' apartment, and he provided details that were consistent with details provided by other witnesses. He sought out Defendants Myers and Williams at the party because they were the only people he knew, he knew where they were at the time the shots were fired, and because they are family members he had reason to make mental note of the events.<sup>26</sup>

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<sup>26</sup> When Defendant Williams was recently interviewed, he recalled being upset with Vincent that night because "he filled his stomach and left."

### iii. Geraldine Prey

Geraldine Prey was dating Defendant Myers at the time of his arrest. She was not present at the time of the shooting but spoke to the people who were at the party once she found out that Defendant Myers had been arrested. Ms. Prey's sister was Virginia Wilkerson, who lived in the apartment across from Victim Williams, and Ms. Prey knew the other women on the block well. She said everyone was talking about what happened. The women were saying that Defendants Myers and Williams were at the party when the shots rang out and the "group" knew they were not the shooters. She remembers speaking to her sister, Rachael Jones, and Francis Brown, but said that it was more than just them, it was "everyone."

She then went to visit Defendant Myers at the "P-farm."<sup>27</sup> He told her that he did not know what happened to Victims Williams and Marshall, and stated he was at the party when the shots were fired. He also told her that the State wanted him to testify against his uncle, but that he could not testify against his uncle because his uncle was with him at the party. Ms. Prey said she felt sorry for Defendant Myers, and stated he was kind and well liked. She never spoke to him after he went to prison.

Ms. Prey said that Victim Williams was well liked by everyone on Morgan Street, and she did not believe that the women would provide an alibi for Defendants Myers or Williams if it were not true. She felt confident that the women would have told the police if they had reason to believe that Defendants Myers and Williams were the shooters.

## B. Confessions by Nathaniel Lawson

Attached as an exhibit to Defendant Myers' petition to the CIR was an affidavit by a man named Tony Brown. Mr. Brown's affidavit indicated that a man named Nathaniel Lawson admitted to being the shooter in this case. Additionally, I was contacted by Mr. Ronald Stansell, a childhood friend of Defendant Myers. Mr. Stansell is aware of the claims made by Defendant Myers, and knows other people from the neighborhood who knew Defendants Myers and Williams. Once Mr. Stansell became aware that Defendant Myers' case was being investigated by the CIR, he provided the names of other people who mentioned over the years that Nathaniel Lawson had confessed to them. He provided the name of Leatrice Carter, who told him contemporaneously with the confession that Nathaniel Lawson told her that he was the one who shot Victims Williams and Marshall. He also provided the contact information for James Stepps, and made mention that Mr. Stepps had been a close friend of Nathaniel Lawson prior to

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<sup>27</sup> "P-farm" is the nickname given to the Montgomery Correctional Center, a facility located in Duval County to primarily house sentenced inmates (although inmates with pending cases may be housed there as well).

Lawson's death. Additionally, Frank Williams, the brother of Clifford Williams, was interviewed because he had confronted Nathaniel Lawson prior to Lawson's death.<sup>28</sup>

None of the witnesses to Nathaniel Lawson's confession sought any benefit from the information. With the exception of Frank Williams, none of the witnesses had solicited this information. All felt it was in their own best interest to keep the information to themselves, and after Mr. Lawson's death believed the information had no legal significance.

### i. Tony Brown

Tony Brown ("Brown") was interviewed on a prison phone call on April 17, 2018. He is currently serving a prison sentence for armed robbery at Sumter Correctional Institution, where Defendant Myers is currently located; his release date is March 30, 2023.<sup>29</sup>

Brown was born in 1957, and grew up in Blodgett homes in Jacksonville with Nathan "Nate" Myers. He had heard that Defendant Myers was running Defendant Williams' pool hall on Davis Street. He was familiar with Defendant Williams, whom he called Boonie. He said Defendant Williams was a known heroin dealer. He stated that he was in prison when this shooting occurred, but he knew both victims and heard that Defendants Myers and Williams had been arrested for shooting them. He had heard Victim Williams was selling drugs for someone on Ashley Street, and Victim Marshall was a known heroin addict and prostitute.

He said that one day, after he had been released from prison and had gotten off work release at Dinsmore, around April 1993, he was hanging out at Deuce's on Pearl Street, and he was approached by Nathaniel Lawson. They started talking. Lawson talked about some of his misdeeds, and Brown talked about some of his, and Lawson told him that "Boonie" and "Hubert Myers" were serving time for a shooting that he had committed. He said that he was paid by Albert Young, who was a known heroin dealer, to shoot up Victim Marshall because she owed him money for drugs.<sup>30</sup> Brown said that he suspected that Lawson probably also got some drugs for the job. He went on to say that Albert Young ran Court F at Blodgett homes.

Lawson also told Brown that he had left the area with Rico Rivers and then went to his sister's

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<sup>28</sup>No evidence has been discovered that would suggest the witnesses to Nathaniel Lawson's admissions have any relationship with one another or a close relationship with Defendants Myers or Williams (with the exception of Frank Williams). These individuals grew up in the same neighborhood, knew of one another, and had heard about the shooting. Ron Stansell, a childhood friend of Nathan Myers, was told by Carter and Stepps that Lawson confessed to them. Brown told Myers, while in prison, that Lawson confessed to him. Frank Williams confronted Lawson on behalf of his brother and nephew when rumors surfaced that Lawson was the shooter.

<sup>29</sup>Brown has served prison sentences from 1974-1979, 1980-1993, and 1994-present.

<sup>30</sup>Albert Young was murdered in the 1980s.

apartment in Hilltop.<sup>31</sup> Brown said that Nathaniel Lawson had a bad reputation on the street for being dangerous. He would brag about shooting people and ran with a guy nicknamed Crying Shame, who was also a heroin dealer. Brown told me that he was confident that he would not be the only one Nathaniel Lawson would have said something to about shooting Victims Williams and Marshall, and he tried to direct me to some other people. He told me that Nathaniel Lawson had a sister, and that he used to hang up at a tavern called the Can and Dan. He thought the female owner of the tavern was the sister of Ed Lee, who was also a drug dealer who knew Nathaniel Lawson.

Brown said shortly after he went back to prison he heard Nathaniel Lawson died. He said that he did not tell anyone what Nathaniel Lawson told him because he did not want to put his own life in danger. But, when he got to Sumter Correctional and came across Defendant Myers, he told Defendant Myers what Nathaniel Lawson had said. Defendant Myers asked him to put what he knew into an affidavit, which he agreed to do. Mr. Brown acknowledged that he sees Defendant Myers regularly in prison.

## ii. Leatrice Carter

Ms. Carter was interviewed, and said that she and her husband owned a beer and wine tavern at 701 Jefferson Street, on the corner of Beaver Street, from 1977 to 1995. Ms. Carter said that Nathaniel Lawson came by the tavern sometime in the 90s but prior to 1995.<sup>32</sup> She was glad to see him, because she knew him from growing up in the same neighborhood. He said he had just gotten out of prison, and he lifted up his shirt and showed her a long silver gun. She told him that he did not need that around there.

They continued talking and he told her that Defendant Williams was in prison for nothing because he didn't do it. She asked him who did, he told her that he had, and that "no one was mad at him except Dot and Frank." Dot was Defendant Williams' sister and Defendant Myers' mother, and Frank is Defendant Williams' brother and Defendant Myers' uncle. Mr. Lawson did not say anything else about it, nor did he say why he did it, and Ms. Carter did not ask. She did not see him again for some time. Probably within a year of that she had heard that he had passed.

Ms. Carter said that she grew up in an area of Jacksonville called the Black Bottom, and knew both Nathaniel Lawson and Defendant Williams from the neighborhood. Defendant Williams

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<sup>31</sup> Mary Ann Hay, sister of Nathaniel Lawson, confirmed that her mother and sister, Pamela, were living in Hilltop apartments in 1976. Ms. Hays said that she doubted that Nathaniel would have shared anything with his mother or sister, and he never shared anything about this event with her.

<sup>32</sup> Ms. Carter may be the person who was referenced by Tony Brown as someone who might have spoken to Nathaniel Lawson (her brother was Ed Lee).

grew up one street over. She knew Defendant Myers as Defendant Williams' nephew, but he was much younger than they were. She had heard that Defendants Myers and Williams were arrested, and the word around the neighborhood was that they were not guilty of what they were accused of doing. She told Ron Stansell contemporaneously about the conversation she had with Nathaniel Lawson. Mr. Stansell confirmed that he was told about this conversation by Ms. Carter many years ago.

### **iii. Frank Williams**

Frank Williams was interviewed. He is the brother of Defendant Williams, and uncle of Defendant Myers. Mr. Williams worked at Maxwell House Coffee for 42 years and is now retired. Mr. Williams said that his sister Dot did not believe that Defendants Myers and Williams were involved in the shooting of Victims Williams and Marshall, and she continued knocking on doors and investigating the incident for years after they were convicted. Dot knew some of the women who lived on Morgan Street, received a call that Victim Williams had been killed, and was present when her son and her brother were arrested. Mr. Williams acknowledged that his brother was rumored to be dealing heroin, although he said that he never personally saw that. He said that his brother had an adverse relationship with the police. He knew his brother had been previously arrested, and on one occasion, while Mr. Williams was driving to work, he saw his brother being put in the back of a patrol car. When he stopped to inquire about what was going on, the police refused to provide him with any information and told him that he needed to "move on."

At some point, it got back to Mr. Williams that Nathaniel Lawson might have been involved in the shooting, so he went to confront him. He said that he had heard on the grapevine that Mr. Lawson was involved. He said that he went looking for Nathaniel Lawson on Jefferson Street, at a place close to the Dew Drop (he could not remember the name of the bar). He told Mr. Lawson that he needed to know what happened, but Mr. Lawson told Mr. Williams that he (Lawson) was "staying out of it" and refused to speak with him further. The next thing he heard was that Nathaniel Lawson was avoiding him because Lawson did not want to have a confrontation.

Mr. Williams said that he had dated Mr. Lawson's sister, Diane, at one point. He would bump into her from time to time. Many years later, Diane told him that her brother was sick and might want to clear his conscience. Mr. Williams went to speak to John L. Thorpe, Diane's husband, to see if he could arrange a meeting between him and Mr. Lawson. Thorpe was a known drug dealer, and was someone who had known Defendant Williams. Thorpe arranged for Mr. Williams to meet Nathaniel Lawson. Mr. Lawson wanted to meet in public, so Mr. Williams and Mr. Lawson met on the corner across the street from Daysprings Baptist Church. Nathaniel Lawson told Mr. Williams that he was the shooter and told him that "she was

stealing from me and I had to send a message." Mr. Williams could not remember if Mr. Lawson specifically mentioned one of the women by name. Mr. Williams told Mr. Lawson that he had messed up the lives of Defendants Myers and Williams and asked him what he was going to do? Mr. Lawson said there was nothing he could do but send them some money. He told Mr. Williams that he had given Dot some money for them.

Mr. Williams came to the meeting directly from work and had his Maxwell House uniform on. He remembers Mr. Lawson telling him that he wished he had gotten a job like Mr. Williams and had not been in the streets. After this meeting, he asked Dot if she had gotten money from Mr. Lawson, which Dot confirmed and said she had sent it to the defendants. Dot is now deceased.

Mr. Williams could not remember exactly when this conversation took place. In trying to remember the date, he said he got married in 1987 and that it was after that. He mentioned that he had training in Texas in 1989 and that it was after that. He mentioned that Mr. Thorpe and Nathaniel Lawson's sister Diane are also now deceased.

When asked why he did not go to the authorities with the confession of Nathaniel Lawson, Mr. Williams said "it was my word against Nathaniel Lawson's word. The people downtown already convicted my brother, they weren't going to do anything with that." He said he hoped Nathaniel Lawson would go to the authorities, but he refused.

Mr. Williams mentioned that Defendant Williams kept pressuring him to do something, and kept sending him depositions and documents. He said that he reached out to attorney William Lassiter, and asked him to look into the case. Mr. Lassiter got back to him and told him that he did not think anything could be done.

Mr. Williams said he was not at the party and did not know what happened, but Defendants Myers and Williams both told him that they did not do it, and Vincent Williams said he was with them at the time.

#### **iv. James Stepps**

James Stepps was a friend of Nathaniel Lawson. He currently works at the Publix Warehouse. He said they grew up together and were a couple years apart in age. They went to the same schools and ran around as children together. He lived at 1940 Mars Street and Nathaniel Lawson lived in Venus and Mars Court. He said that they remained friends through the years until Mr. Lawson's death. Mr. Stepps said he thought he picked Nathaniel Lawson up from the hospital on a Wednesday and he passed away on Friday. He sang at the funeral.

Not too long before Nathaniel Lawson died, Mr. Stepps visited Lawson at his apartment. He said Nathaniel Lawson was living in an upstairs apartment off Moncrief. They were drinking and talking, and Lawson mentioned wanting to send some money to Boonie. He told Mr.

Stepps that he had killed the woman that Boonie was in prison for. He then said, "What can I do? I can't turn myself in." Mr. Stepps said he did not ask any questions and tried to change the subject because he did not want to know anything else. This was the only time Nathaniel Lawson mentioned it. Because he had known Lawson for so long, he had no reason to disbelieve what he was telling him and he believed it was the truth. He said that because he believed Lawson was telling him this in confidence that he would not have come forward if Lawson were still alive. He did not know Victim Williams or Victim Marshall.

He said Nathaniel Lawson had a reputation for being violent and he had personally witnessed him being violent. He said one time he (Stepps) was fist fighting some guys. He was from 6th and Davis and these guys were from 26th Street. Nathaniel Lawson came to Mr. Stepps "rescue" and pulled out a "pirate pistol," a long barreled gun, and shot a guy in the leg.

Mr. Stepps did not personally know Defendant Williams, but he knew his brother Larry. He also knew Defendant Myers who is closer to his own age. They were acquaintances, not close friends. I asked Mr. Stepps if he knew Albert Young (who was the man mentioned by Tony Brown). He said that he and "Al" went to school together. He told me that Albert Young was a known drug dealer and a violent guy. He was sure that Nathaniel Lawson knew Albert Young since they were from the same area. He said that Albert Young was murder many years ago.

### **C. Confirmation of Nathaniel Lawson at the Scene**

The original documents contained in the file confirm that Nathaniel Lawson was present at the scene of the shooting on May 2, 1976. In the general offense report there is a notation that Detectives Bowen and Bradley observed a white pickup truck leaving the scene at the same time that Defendants Williams and Myers left to be transported to the sheriff's office. The pickup truck was stopped by the police and two black females and two black males were in the car. It appears the truck was pulled over so that the vehicle driven by the wife of Defendant Williams could be searched, and the report states, "The driver of this vehicle was identified as Barbara Williams who is the wife of Clifford Williams. One of the B/M occupants was identified as Raymond Rico Rivers and the remaining two occupants were unidentified. The vehicle and passengers were checked and released." (GOR, p. 6). The police report confirms that four people left the scene in a truck driven by Barbara Williams, including Rico Rivers, one female occupant, and one male occupant who was not identified.

In Barbara Williams' 1976 deposition, she was asked by the prosecutor what time she left the area, to which Mrs. Williams replied, "Just like I said, it was before day that morning. The wagon had come, and they went in there and got the body out." Question: "Who did you leave the party with when you left around 4:00 in the morning?" Answer: "Rosetta Simmon (Cookie), Raymond (Rico Rivers), and Nathan Lawson." Question: "Larson?" Answer: "Lawson."

(Williams, p. 40); [Barbara Williams](#). When interviewed as part of the current investigation, Tony Brown stated that Lawson had told him that he left the scene with Rico Rivers which is consistent with the testimony of Mrs. Williams and the general offense report.

#### **D. Polygraph of Defendant Myers**

Defendant Myers was asked if he would be willing to submit to a polygraph as a component of the CIR investigation of his case, and he agreed.<sup>33</sup> On July 20, 2018, he was brought to Jacksonville, and the Jacksonville Sheriff's Office administered the polygraph examination. Defendant Myers, pursuant to protocol, was asked a series of three questions: Did you shoot either of those women? Did you shoot either of those women in May of 1976? Did you shoot either of those women at 1550 Morgan Street, Apt. 1? Defendant Myers answered "No" to all three questions, and according to the examiner he was not deceptive in his answers. The detective is an experienced polygraphist and told us that she had never previously had a defendant "pass" and believed Defendant Myers was being truthful. [Myers Polygraph Results](#).

#### **E. The "Two Shooters" Theory**

The only evidence linking Defendants Myers and Williams to the crime was the testimony of Victim Marshall. Originally, Victim Marshall provided a written statement to detectives on May 4, 1976, while she was in the hospital recovering from her injuries. At that time she stated that when she woke up she was shot, so she lay over Victim Williams and played dead. She said that is when she could identify the shooters. They then left the apartment, locking the deadbolt on the way out. After they left, she got up, unlocked the door, and saw them running down the street. In her written statement she said \$100.00 of rent money Victim Williams owed to Defendant Williams was the motive for the shooting. [Nina Written Statement](#).

The investigating detectives interviewed Victim Marshall several times during their investigation. Her account of the event changed significantly over time, and more details were mentioned in her subsequent versions. Victim Marshall testified three times, once in a deposition and twice at trial. The core of Victim Marshall's testimony was consistent from deposition to trial. She testified that she and Victim Williams went to bed watching a movie, with Victim Williams laying on her right side behind Victim Marshall who was also propped up on her right side. Victim Williams was closest to the window and Victim Marshall was closest to the bedroom door. At some point in the night, she heard a clicking sound that she thought was the front door, she drifted back to sleep and awoke to a burning sensation in her neck. She

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<sup>33</sup> Defendant Williams also agreed to submit to a polygraph. During the pretest phase of the examination, it was determined that he was unable to cognitively perform the test and the test was terminated by the polygraphist out of concern that the test result would not be valid.

saw two men standing in front of the television in her bedroom, saw sparks coming from two firearms, and shooting continued. The men emptied the guns (she heard clicking sounds), walked over her as she lay on the bedroom floor, and walked out the front door of the apartment. She identified the men as Defendants Myers and Williams.

While the core story remained consistent, the details about the night of the shooting changed each time Victim Marshall relayed what happened. Victim Marshall was unable to provide a consistent version of her activities prior to the shooting or a consistent version of what took place during the shooting.<sup>34</sup> For instance, she provided several different accounts of her movement during the shooting. She originally stated, in her written statement, that she lay over Victim Williams and played dead until the shooting stopped. During her deposition, she testified that she rolled off the bed, fell between the nightstand and the bed, tried to get back on the bed, lay on the bed for a moment, and then fell off again. In her deposition, she testified that she saw who the shooters were when she tried to get back on the bed. The deposition account is demonstrably not accurate because crime scene photos show the gap between the bed and nightstand was only a few inches. [Nightstand \(2\)](#); (See Exhibit D). During deposition, she also testified that when she left the apartment she was able to see the defendants in the street walking toward the party.

During her trial testimony, Victim Marshall described Victim Williams grabbing the back of her nightgown while she was falling off the bed. She testified she fell partially out of bed onto the top of the nightstand, with part of her chest and the right side of her face on the nightstand. She testified she fell off the bed and tried to get back on the bed three times during the shooting. At trial she stated that she could see two muzzle flashes, coming from different directions, although she could not see the guns. She described the guns as being wrapped in pillows or

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<sup>34</sup> For instance, according to Victim Marshall her evening included eating dinner with Victim Williams at 11:00 pm, going to get a friend from a local bar and then bringing her back to the apartment for 10 minutes and returning her to the bar at 11:00 pm, babysitting a 6-year-old child, taking a bath, then it was taking a shower, getting in bed for 15 minutes then getting out of bed to take the child to her grandmother's at 11:15 pm. Victim Marshall stated that the child they were babysitting on the night of the shooting was watching a Charlie Brown special in the living room shortly before they took her home at 11:15 pm. Charlie Brown children's specials did not air at 11 o'clock at night, and a search of the TV Guide showed no Charlie Brown special on May 1, 1976. She stated that she got in bed with Victim Williams at 11:30 pm to watch the late night movie. She rolled 4 joints of marijuana, two of which were smoked by Victim Williams and two of which were smoked by her. She testified that the marijuana did not get her high. She could not remember any of the details of the late night movie; she did not remember the title, the actors, or the story line.

She also testified that her father was Mose Williams, and that he lived at 904 Mose Avenue, an address that does not appear to exist. She stated that she had been married to Eddie Lee Dyals, and had two children with him, and then was married to Felton Marshall, and had a child with him. Mr. Dyals is deceased but his family was not familiar with Victim Marshall and knew nothing about the children. Mr. Marshall acknowledged that he and Victim Marshall dated briefly but denied that they had married or had a child together.

blankets. She placed Defendant Myers to the left of the television and closest to the foot of the bed, and Defendant Williams to the right of the television and closest to the bedroom closet door. Lastly, she placed herself lying in the middle of the bedroom floor, where she was stepped over by both men as they left. She testified they then closed the bedroom door behind them, and locked the deadbolt on the front door with a key. Victim Marshall said she lay on the floor a few minutes, but when she left the apartment she could see Myers and Williams in the street headed toward the party.

Like her deposition testimony, Victim Marshall's trial testimony was inconsistent with the physical evidence. Scene photos show that nothing on top of the nightstand was disturbed and showed no sign of struggle or fall. Nightstand; (See Exhibit E). Scene photos also refute Victim Marshall's testimony that the assailants closed the bedroom door on their way out because clothing was draped over the top of the bedroom door that would have prevented the door from fully closing. Bedroom Door; (See Exhibit F). Scene photos depicting a pool of blood in the bedroom doorway also raise serious questions about whether the position of her body on the floor would have prevented the door from closing at all. Nightstand with Bed; (See Exhibit G).

Counsel for Defendants Myers and Williams never challenged Victim Marshall on these issues and never tested the reliability of her statements through impeaching evidence. No lawyer questioned her in deposition or at trial about the hole in the screen, the broken window pane, the glass in the bed, the holes in the curtains, or the results of the ballistics analysis, although much was made of her prior drug use and criminal history.

Review of the available physical evidence, moreover, shows that no independent verification or corroboration of the salient details of Victim Marshall's account exist, save being shot and the television being on. We unfortunately were unable to interview Marshall because she died in 2001.

### i. Evidence of a Single Shooter

#### 1. Ballistics

Contrary to the sworn testimony of Victim Marshall that she saw two men shooting two guns with two muzzles flashing, the scene examination, forensic analysis report, interpretation of the wound dynamics as derived from medical testimony and the forensic reconstruction, indicate only one firearm was used. Victim Marshall testified that she heard the guns clicking which indicated to her that both men had emptied their weapons, yet a total of six bullets were located.

It is appreciated this was a dynamic event, but it is also noted the two victims were in close proximity to one another, within the confines of a small bedroom. Five bullets were recovered:

three from the scene, and two from the body of Victim Williams. Additionally, a “fragment” was recovered from Victim Williams, and a “damaged bullet” from Victim Marshall.

A comparison of the documented firearms evidence and medical reporting indicate one bullet perforated, meaning entered and exited, the arm of Victim Williams (GSW #2) and another bullet entered the arm and fragmented into two pieces with the larger piece exiting her forearm (GSW #3). A portion of a bullet also struck Victim Marshall in the left arm and was recovered. The “damaged bullet,” as described by the surgeon, who recovered it from Victim Marshall, was most likely the fragment associated with Victim Williams’ forearm exit wound. The fragment recovered in Victim Williams’ left wrist is most likely the rest of the sixth bullet fired in this event. No additional fragments or portions were reported recovered from the scene in any document reviewed.

It should also be noted the fragment removed from Victim Williams’ wrist was described as “one deformed metallic fragment” in FDLE reporting. Additionally, the “damaged bullet” recovered from Victim Marshall was noted as “one fired .38 caliber damaged lead bullet.” The forensic examiner further described this evidence upon examination as “bullet portions” with “some evidence of a relationship” to the actual bullets recovered. It is appreciated forensically these two bullet portions were too damaged to be *conclusively* associated with the five other bullets; however, it should be considered likely given the absence of credible data to suggest otherwise given the firearms evidence recovered, wound dynamics, and the context of the scene. [FDLE Report](#); (See Exhibit C).

Mr. Peter Lardizabal, retired FDLE firearms and toolmark analyst and current JSO employee, reviewed the original ballistics examination report authored in this case, and agreed that there was no evidence to suggest that more than one firearm was used, based upon the items collected and submitted for comparison in this case.<sup>35</sup> When the original homicide detectives were interviewed by the CIR, neither remembered having received a copy of the ballistics analysis, and both agreed that the findings were significant.<sup>36</sup>

## 2. Eyewitness Account that a Single Shooter was Outside

In 1976, Christopher Snype told police that his neighbor, Tony Gordon, (who lived directly across the street from the victims) approached him while he and his friend, Major Skylark, were sitting on Snype’s mother’s car around 4:00 am on May 2, 1976. According to Snype, Gordon told them that he was sitting in his living room when he heard the first shot fired, he then looked out his window, and saw a black man in black clothing standing at the apartment

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<sup>35</sup> Peter Lardizabal began his employment with FDLE in 1980. He has testified as an expert witness in firearms and tool mark identification over 360 times.

<sup>36</sup> Both of these gentlemen are now retired from JSO, and both readily cooperated with the CIR.

window firing shots.<sup>37</sup> The shooter then ran around the back of the apartment. Christopher Snype and Major Skylark are deceased, so the CIR was unable to interview them.

The police interviewed Tony Gordon in 1976, and he denied witnessing the shooting. Notably, the State asked Gordon to submit to a polygraph on the matter which was conducted on July 14, 1976. Mr. Gordon told the polygraphist that he had been sitting in his living room watching "Movies til Dawn" on the television and could hear there was a party taking place down the street. He claimed that he retired to his bedroom prior to the shooting and denied witnessing the shooting. He acknowledged going outside after the police arrived to see what had taken place. He watched Defendants Williams and Myers get arrested and said "that the people in the street began to harass and verbally abuse the police officers."

The polygraphist concluded that Gordon was not truthful when answering questions during the polygraph examination. Gordon said that he did not want to be involved because he had to "live on Morgan Street and he did not feel that he or his family could be protected." (Report, p. 3). [Gordon Polygraph](#).

Gordon is alive and still resides in the same house with his wife across the street from the apartment building where this murder took place. The CIR interviewed Mr. Gordon on two occasions. Mr. Gordon was reluctant to speak with us and made it clear that he did not want to be involved, maintaining the same concerns he expressed in 1976. He said that he had to live on Morgan Street and that "snitches end up in ditches." He told us that he had gotten to his current age "by minding his own business." Gordon denied witnessing the shooting, but despite his reservations, he did acknowledge hearing shots around 2:00 am. He said the glass in the front bedroom window, across the street, was broken and that he knew it had gotten broken that night. He commented that it remained broken for a while after this incident. He also acknowledged seeing Christopher Snype that night, said Snype leaned up against his fence, and was outside at the time of the shooting.

Gordon recalled that everyone came down from the party to see what was going on after the shooting. He saw Defendants Myers and Williams get arrested. He heard that Victim Marshall identified them as the shooters, but said all the people at the party were saying that Defendants Myers and Williams were with them at the party at the time they heard shots.

While denied by Gordon, additional evidence corroborated Snype's statement. Mr. Harold Torrence drove Victim Marshall to the hospital and returned to the scene until about 4:00 am that morning. Torrence testified during his deposition that while at the scene, a purported eye-witness to the shooting described a single shooter shooting into the apartment from outside the

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<sup>37</sup> The police noted in the general offense report that Defendant Myers was arrested wearing black jeans and a white T-shirt. No notation was made of Defendant Williams' clothing.

victims' window. Specifically, Torrence testified that "there was one dude who said he saw the whole thing but he wouldn't say anything." Torrence said he did not know that person, but "he said he saw the whole thing, I'd know him if I see him again, but he say [sic] he saw the whole thing, the shots and all. He say [sic] he saw her but he say he was outside the window and the girl said it was inside. So, I couldn't say, you know which was telling the truth." "About three or four people said it come [sic] from outside the window." (Torrence, p. 11); [Harold Torrence](#).

This was a significant piece of information, but defense counsel never followed up or offered the jury this information. Neither defense attorney questioned Mr. Torrence about how the man looked, what he specifically said, who else was present, where he might live, or who the other people were who mentioned that the shooting came from outside the window. It was mentioned by Detective Bradley during his deposition that the police had received information that someone was seen firing a weapon in front of the window, yet there were no follow up questions by defense counsel about this information. (Bradley, p. 51). Additionally, nothing in the prosecution file suggest that defense counsel deposed Tony Gordon or conducted any investigative follow-up to identify the purported eye-witness.

Mr. Torrence was located and interviewed during the CIR investigation. After 40 years, he still has a vivid recollection of driving Victim Marshall to the hospital. He asked her several times who shot her. Victim Marshall asked him not to talk and did not respond to his inquiries about who shot her. Mr. Torrence does not have a present recollection of returning to the scene after dropping Marshall off at the hospital, so he was not able to provide any information in addition to his deposition testimony.

Christopher Snype, Snype's written statement, Major Skylark, and the fact that Gordon failed a polygraph was not listed on the State's discovery.

## ii. [Henry Curtis](#)

In the State Attorney file was a transcript of a statement provided by Henry Curtis. This statement was given by Mr. Curtis on January 2, 1997, while he was serving prison time in a facility where Defendant Williams was located. The statement was attached to Defendant Williams' 3.850 motion. In this statement, Mr. Curtis claimed to have known Victim Williams, Victim Marshall, Defendant Williams, and Defendant Myers. He stated that he was a heroin addict for 15 years, which is how he knew these individuals. He said that he had contact with Victim Marshall after she was shot. On one occasion, she told him that she was shot by Defendant Williams and Defendant Myers and that she played dead. (Curtis, p. 5). On another occasion, she told him that she did not know who shot her because she was asleep. (Curtis, p. 7, 15). He said that Victim Marshall was using heroin during the pendency of the trial, and that she had come to his house to use drugs. (Curtis, p. 11, 12, 13-14). He said that Victim Marshall

had a reputation for pinching drugs off the bags and ripping off dealers. (Curtis, p. 11-12); [Affidavit of Henry Curtis](#). Mr. Curtis is now deceased so we were unable to interview him.

#### **F. Inside vs. Outside**

No evidence, other than Victim Marshall's testimony, supports a shooting from inside. Rather, the physical evidence indicates otherwise. The general offense report and deposition testimony of the investigating detectives show that they originally believed the shooting occurred from outside and through the window, and they grappled with reconciling the physical evidence with the witness account throughout the investigation.

The general offense report documents the physical evidence present at the scene--the hole in the window and screen, the holes in the curtain, the bullet strike on the window frame--but ultimately the detectives surmised that the physical evidence was staged to look like the shots came from the window. In reconciling the discrepancies, they concluded, "From physical evidence at the scene it appears as though the suspects in this case intended to make it look as though the victims had been shot by someone from the bedroom window . . ." (GOR, p. 16).

Even during his deposition, Detective Bradley appeared to struggle to exclude the window as the entry point for the shooting. In addition to the hole in the screen and broken window pane, Detective Bradley mentioned that glass was found in the bed of the victims. Further, he stated he dusted the window for prints, but did not find any. When asked why he did not dust the doors for prints, he stated that there was wet blood on the front door, which would not have allowed for dusting, but then went on to state, "I had checked the window on the outside *where the shots were fired.*" (Bradley, p. 20)(emphasis added). While the initial on-site theory was that shots were fired from outside the window, the direction of the investigation changed once Victim Marshall identified the defendants and provided her account of what happened. Given the darkness and the curtains, Victim Marshall would have been physically unable to identify the shooter(s) if the shooting occurred outside the apartment window.

Expected and routine corroboration of Victim Marshall's account was not present. No footprints or smears were located in the blood on the bedroom floor; no bullet strikes exist on the interior walls in the bedroom; no burnt or singed fibers from a pillow or blanket that purportedly wrapped the guns were present; no blankets or pillows with evidence of gunshot residue/soot were found; no bullet entrance wounds on the front sides of the victims existed, which would have been the side of their bodies facing the bedroom door; no forensic evidence of two types of bullets was found; and no additional bullets, apart from the six that forensic science says came from the same gun, were located.

The deadbolted front door also raises questions. The locked front door, in light of all the other evidence, appears more supportive of an outside shooting than two fleeing assailants with the presence of mind and manual dexterity to lock the door with a key behind them as they fled.

### i. Wound Path

As previously noted, shooting events are dynamic. Human beings are capable of movement, and here, movement on behalf of both women was documented. Both women moved away from the window during the shooting. Victim Williams moved from her original position on the bed, toward the edge of the bed away from the wall and into the space originally occupied by Victim Marshall, where she came to a final rest. Victim Marshall moved off the bed to the floor. Had the shooting occurred from outside the apartment window, the women would have been moving away from the origination point. If the shooting occurred from the foot of the bed, the women would have been moving toward the origination point.

Equally important are the wound tracks themselves. None of the entrance wounds are on the front side of the victims, the side that would have been facing interior shooters. The shooters had the benefit of surprise according to Victim Marshall who described waking to a "burning sensation" in her neck. Her wounds, though, were on the left side of her neck and not the front. If laying on her right side as she described, her left shoulder and left arm would have possibly provided obstruction of her neck from a position taken at the foot of the bed. Further, no bullet holes to the pillow or sheets were documented to substantiate a perforating neck wound to Victim Marshall, occurring while she slept on her right hand side, originating from the foot of the bed. Additionally, no evidence showed anyone being shot at close range in this small bedroom and tight space. There were no powder burns or stippling noted on the victims, the clothing of the victims, or the bed sheets.

Victim Marshall testified that she fell asleep propped up on her right side watching television, with Victim Williams also on her right side, behind Marshall and closest to the wall and window. Victim Williams sustained four entrance wounds, while Victim Marshall sustained three. All of the entrance wounds on Victim Williams are on the back side of her body. The entrance wounds to Victim Marshall are on the left side of her body. Seven entrance wounds are present, and as discussed above, only six bullets were located. One or more of the entrance wounds appear to have been caused, therefore, by a bullet that struck one victim and continued through to the second victim. Victim Williams sustained two perforating, through and through, injuries. One through and through was the bullet that struck Victim Williams at the back of her elbow and fractured with a large portion exiting from her forearm area and a small portion remaining in her arm (GSW #3). A damaged portion of a bullet struck the left arm of Victim Marshall and was recovered from her. Further, the fragment found in the body of Victim Marshall had to have struck an intervening object, to have become fragmented prior to entering

her arm, consistent with being the large fragment from the bullet that fragmented after striking Victim Williams. No other fragments were recovered. Additionally, there are no intervening objects observed in the evidence photographs of the scene from the direction of the foot of the bed toward the area of the bed where the victims were sleeping. (See Exhibits L, P, Q).

Victim Williams moved from her original location on the bed and came to her final resting place after being shot in the back of the head. That shot hit the back of her neck and traveled slightly upward, lodging toward her forehead. The medical examiner testified that this injury rendered Victim Williams unconscious immediately and there would have been no meaningful movement after this injury. (Dr. Lipkovic, TT, p. 5, 7); [ME Testimony](#). The CIR consulted with Dr. Valerie Rao, Chief Medical Examiner, to discuss wound paths with regard to Victim Williams. Dr. Rao was not able to indicate the sequence of the gunshot wounds, but she agreed that the wound to the head was immediately incapacitating and there would have been no conscious movement after receiving that injury. She stated that it was unlikely that Victim Williams would have been able to put pressure on her left arm after the bullet that struck the forearm partially shattered the radius bone (GSW #3). She also pointed out that the entrance wound to the back of the upper arm associated with the bullet that lodged into the shoulder joint (GSW #1) was irregular and not circular, which she opined was indicative of the bullet striking another object prior to entering the arm. (See Exhibit N). This is consistent with the bullet having struck an intervening object, possibly the aluminum screen and glass, or the bullet strike documented on the window frame. There is no evidence of an intervening object from the direction of the foot of the bed, and no bullet strike was documented in the interior of the room.

Computer modeling utilizing the wound paths documented by the medical examiner, and verified by Dr. Rao, demonstrated that the bullet path from Victim Williams' head wound (GSW #4) tracks back to the bedroom window where the hole exists in the screen and window. The same computer modeling for the injuries to the back of Victim Williams' arm demonstrated that they could also be tracked to the bedroom window. Based upon this information, the bedroom window could not be excluded as the entry source, while the angles required for all shots to hit the back of Victim Williams' body from the direction of the television are implausible. Even without the evidentiary support of the other physical evidence, wound tracks alone demonstrate that a shooting position from in front of the television at the foot of the bed is an improbable shooting scenario. (See Appendix II).

## ii. Screen

A metal screen on the exterior of the glass pane of the bedroom window was present. Evidence photos depict that the screen had a hole in the bottom right hand corner. Behind the screen, a large piece of the glass pane was missing. The edges of the hole where the glass is missing were

jagged and irregular. The investigating detective described the aluminum mesh around the hole as pointing inward toward the bedroom, showing that an object traveled from the exterior through the screen and window to the inside, not from the inside to the outside. A blown-up evidence photograph of the window reveals the hole in the screen is not circular, but is oblong and several inches in size. (See Exhibit I).

The State Attorney's Office hired Knox and Associates to provide a crime scene analysis and reconstruction of this case. Mike Knox, in conjunction with Tom Brady, reviewed the entire case file as part of their analysis.<sup>38</sup> As part of the reconstruction, Mr. Knox test fired .38 caliber ammunition through an aluminum metal screen purchased at a salvage yard. Mr. Knox was able to replicate the damage to the screen by firing six shots with a .38 caliber revolver at contact range. Through this experiment, the CIR was able to validate that all six shots could be fired from outside the window into the bedroom. In conjunction with the additional physical evidence, this is the credible shooting position. [Window](#) ; (See Exhibits H, I, J).

### iii. Blood Evidence

The door of the bedroom opened inward and to the left. There is a shallow "hallway" created by the wall and bedroom door to the left and the closet wall on the right. Victim Marshall testified that she lay on the floor and played dead while the shooters emptied their guns. She stated that she could hear the clicking sounds of the guns which was how she knew the guns were emptied. She then stated that both men stepped over her body to exit the bedroom. Victim Marshall said that she lay on the floor for three minutes after the men left to make sure that they were gone. (GOR report, p. 16). A significant amount of blood collected into a puddle on the floor in the bedroom doorway area, corroborating Victim Marshall's testimony that she had laid on the floor for some period of time before leaving through the front door. (See Exhibit G).

If Victim Marshall's head had come to a rest where the large pool of blood was located on the bedroom floor, as depicted in the crime scene photographs, and if one assumes that her legs are inside the room, the ability of two men to step over her body would have been difficult given the confines of the space without stepping in or tracking blood.

She testified she went out of the same front door the men went out. There was another exterior door, a kitchen door, that was not utilized. Once outside, she said she saw the men in the street down toward the party.<sup>39</sup> The birthday party was approximately 150 feet down the street, so it

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<sup>38</sup> [Knox CV](#); [Brady CV](#)

<sup>39</sup> Like other aspects of her testimony, this detail was inconsistent. On one occasion Victim Marshall stated that she saw both men walking west on Morgan Street toward the direction where the party was being held, and then went to the next door apartment to knock on the door to attempt to get help. (GOR report, p. 16). At trial, Victim Marshall

is unlikely that two men, having just shot two people, would still be lingering in the street three minutes after the shooting. A plausible reconciliation of the conflicts in the available evidence is that Victim Marshall saw Defendants Williams and Myers when they stepped outside to see what happened, a fact many alibi witnesses recalled.

#### **iv. Room Arrangement**

Victim Marshall said the shooters came into her bedroom and positioned themselves at the foot of the bed in front of the television which was on a dresser; Defendant Myers to the left and Defendant Williams to the right of the television. Area to Right of Television; (See Exhibits P, Q). Given the arrangement of the bedroom, this positioning is highly unlikely, if not impossible. (See Exhibit O). The bedroom was very small--approximately 9 feet by 12 feet--and with the room's contents there would have been very little room for two grown men. Further, the bedroom door was located directly across from the head of the bed, and not the foot of the bed. (See Exhibit K). Further, this shooting position is not consistent with the documented wound paths.

#### **v. Sound Experiment**

The CIR arranged for a second test to determine the possibility that the party-goers at 1604 Morgan Street, Apartment #2, would have been able to hear shots fired from inside the bedroom located at 1550 Morgan Street, Apartment #1, and hear shots fired from outside the window of the same bedroom. This test took place on November 14, 2108. Two shots were fired from a .38 caliber revolver inside the bedroom located at 1550 Morgan Street.<sup>40</sup> Two shots were fired from the same .38 caliber revolver outside the bedroom window. Audio equipment was positioned outside the front door of 1604 Morgan Street, Apartment #2 (the party location).

When a .38 caliber revolver was fired inside the bedroom, one could hear the sound when standing immediately outside the apartment building. Further down the street at the party location it was faint and barely discernable, likely even less so with a noisy crowd and music playing. Conversely, shots fired from outside the bedroom window were quite audible from the front door of 1604 Morgan Street, Apartment #2, and six shots, fired in succession, likely would have been loud and distinct enough to get the attention of the people at the party.

The results of this experiment provide further corroboration of the reliability of the accounts of the party-goers and defendants who claimed they heard loud gunfire. Additionally, the

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testified that when she came out the front door of the apartment that Defendants Williams and Myers were approximately 40 feet away. (TTII, p. 196-197). During her deposition, she stated she went to the next door apartment, knocked on the door, heard children inside but no one would answer the door. She then walked to the front of the building and saw Defendants Williams and Myers walking down the street. She then laid down on the ground until they left the area.

<sup>40</sup> The front bedroom window was cracked as it appeared in the original scene photographs.

experiment supports the position that shots were fired from outside the bedroom to be discernable by the individuals at the party location and not from inside the bedroom.

#### **vi. Statement of Victim Marshall**

The CIR was unable to develop any information to address Victim Marshall's identification of the defendants as the shooters. An explanation for her testimony would be mere speculation. Due to her death in 2001 she was unavailable to be interviewed. Months were spent attempting to locate family or acquaintances of Victim Marshall with no success. It is unknown if Victim Marshall perceived that her testimony was an accurate recitation of the event or if she had a motive to fabricate her testimony. While urged by defense counsel to find her not credible, the jury accepted her version of events, although without the benefit of the physical evidence. The detectives and prosecutor also believed her version of events. Yet, Victim Marshall's was problematic for two reasons: 1) it changed over time, and 2) it was not consistent with the physical evidence.

This was clearly a traumatic event. Victim Marshall was asleep, the bedroom was dark or dimly lit at best, she was shot three times and bleeding profusely, she believed her romantic partner had been shot and killed, this event happened over a matter of seconds, and this would have been frightening and disconcerting. Victim Marshall acknowledged that she was a heroin addict that started using methadone two or three days prior to this event. She denied using heroin this particular day, but acknowledged using methadone and smoking marijuana prior to going to bed. Further, Victim Marshall was immersed in the criminal culture of the time. These factors had the potential to shape, either intentionally or unintentionally, the inaccurate account of Victim Marshall.

Here, the general offense report, authored two months after the shooting, makes mention of the fact that the detectives "conducted several interviews" with Victim Marshall. The report does not chronological the interviews by date and time, but simply provides a summary of her collective statements. The reader is unable to determine how many times the detectives discussed background information, the events themselves, the topic of motive, or anything else with Victim Marshall. Likewise, one is unable to ascertain why or when Victim Marshall's testimony changed during the course of the investigation. Victim Marshall's memory about the events leading up to the shooting was unclear, and the details of her actions leading up to the shooting and during the shooting changed over time.

The evidence shows that Victim Marshall's description of the events is not accurate. There is evidence of only one gun being fired. It was forensically determined that the bullets recovered were fired from the same gun. A total of six bullets were recovered, again, indicative of one gun. So it is not possible that she saw muzzle flashes from two guns. Further, Victim

Marshall's testimony does not account for the damage done to the screen, the broken glass in the window, the glass on the bed, and does not explain the wound paths of the gun shots.

### **VIII. ANALYSIS**

On May 2, 1976, evidence supported two disparate narratives: 1) identified shooters inside the bedroom; or 2) an unknown shooter outside the bedroom window. The only evidence to support the scenario that the shooting occurred inside the bedroom by known assailants was the account given by Victim Marshall. This account was supported by the fact that the defendants were in the vicinity at the time of the shooting and had keys to the apartment. Additionally, it is clear that Defendant Williams was an individual who was well known to law enforcement. He was known to both Detective Bradley and Detective Bowen and had been arrested several times prior to this event. The police believed Defendant Williams was a dangerous man who was capable of committing the shooting and the murder. Victim Marshall's account was, therefore, consistent with the reputation of the man with whom the police were familiar, and when she identified him as the shooter it was not unreasonable for law enforcement to accept he was involved. Based upon the information provided by Victim Marshall, the police had probable cause to arrest the defendants.

On the other hand, forensically that was not the end of the story. Forensically, physical evidence at the crime scene supported the alternative scenario that the shooting occurred from outside the bedroom window. This, of course, goes back to the hole in the screen, the broken window pane, the glass on the bed, holes in the curtains hanging in front of the window, and the bullet strike on the window frame. But, the evidence to support this theory is more than just the damage to the window. While it was not known to the detectives on the night of the shooting, the bullets collected from this event were fired from the same gun, and there was no evidence of two guns being involved in this event. While not known to the detectives that night, the forensic analyst was able to confirm the damage to the window frame was a bullet hole, surrounded by carbonaceous material. Later in the investigation the GSR test results showed that the defendants did not have gunshot residue on their hands.

Moreover, the window was the logical shooting position when one looks at the fact that all the entrance wounds on the body of Victim Williams were on the back of her body, and the fact that none of the entrance wounds were on the front of the victims. The irregularly shaped entrance wound on the back of Victim Williams' arm was indicative of the bullet having struck an intervening object, like the screen and window pane or window frame, while there were no intervening objects from the direction of the foot of the bed. Victim Williams, of course, was closest to the window. Victim Williams and Victim Marshall were both moving away from the window, either consciously or unconsciously, which was logical if the window was the origination point. Lastly, when Victim Williams received the fatal shot to her head, she was still

wrapped up in the bed covers, her legs were straight with her feet toward the footboard, and her upper body and head were angled toward the window. The wound path of the head wound tracks back to the window, which was confirmed through the use of computer modeling.

Defendants Myers and Williams told the police that they were not involved and had been down the street at a birthday party at the time of the shooting. In and of itself this might not be compelling, but here, there were a dozen or more alibi witnesses who confirmed the defendants' whereabouts at the time the shots were fired. These witnesses were not family members of the defendants, but were friends of the deceased. According to Tony Gordon, when the men were arrested, the party-goers started to protest and shout at the police, voicing that the men were not involved. Tony Gordon, himself, was said to have seen someone firing a gun while standing at the bedroom window. In this same vein, after being offered a deal of either two or five years in prison, Defendant Myers, who was 18-years-old, had never been arrested for a felony, and was facing the death penalty, refused the State's offer to resolve his case and get out of prison by the age of 23.

Law enforcement's focus on seeking evidence that corroborated Victim Marshall's account during the investigation was evidenced during Detective Bradley's deposition. When asked during his deposition why the curtains had not been collected on the night of the incident, Detective Bradley responded that they had received information (from Victim Marshall) that the shooting occurred inside the house, so the officers "went through the investigation like they had been fired from the inside, and from this assuming that we went ahead and checked the evidence from the inside and partial evidence from the outside, not knowing yet what the whole story behind the offense was." (Bradley, p. 12-13). The notion that one would process the scene but discount evidence that was inconsistent with the eyewitness' account that the shooting occurred from the inside is best described as "confirmation bias."

Confirmation bias is "the tendency to bolster a hypothesis by seeking consistent evidence while disregarding inconsistent evidence."<sup>41</sup> "A preference for hypothesis-consistent information undermines accuracy by leading investigators to minimize evidence that challenges their theory of the case, and to construe ambiguous information as consistent with their theory."<sup>42</sup> Confirmation bias has been well established in psychology literature, and how to eliminate confirmation bias in criminal investigations continues to be an area of research at universities and colleges around the country. The work of psychologist Peter C. Wason in the 1960s is considered by many as the beginning of much of the work on confirmation bias. Wason's

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<sup>41</sup> O'Brien, Barbara and Ellsworth, Phoebe C., Confirmation Bias in Criminal Investigations (September 19, 2006)

<sup>42</sup> O'Brien, Barbara, Confirmation Bias in Criminal Investigations: An Examination of the Factors that Aggravate and Counteract Bias (University of Michigan, 2007).

research and experimentation confirmed that human beings generally look for ways/evidence to support their hypothesis while few people look at ways to disprove the hypothesis. Humans focus on the positive factors supporting their theory and disregard the negative.<sup>43</sup>

Out of this body of work has come confirmation bias research in the context of criminal justice; forensic science, criminal investigations, and prosecution. Research has shown that being provided case information at the outset can impact the findings of forensic scientist, preconceived hypotheses can impact the criminal investigation, and the need to persuade can marry a prosecutor to an incorrect theory of the case, which is known as "theory maintenance."<sup>44</sup> Confirmation bias is part of the human condition and a natural extension of our personal thought process. It is not indicative of malicious intent and is, by no means, unique to law enforcement or prosecution. Our natural inclination to focus on confirmatory information is the catalyst for the scientific method which is designed to construct experiments which attempt to disprove the hypothesis.<sup>45</sup>

One effect of confirmation bias is minimization of potentially exonerating evidence. This occurs when the significance of a piece of evidence is explained in such a way that undermines the reliability of the evidence or otherwise reconciles it with the existing theory of guilt. Here, in the process of investigating the case, investigative work that did not result in evidence that supported the victim's account was minimized. For instance, the bullets were sent off to the forensic laboratory for analysis, but when the result came back concluding that all the bullets were fired from the same gun, that information was ignored. The detectives collected evidence off the hands of both defendants, but when the GSR test failed to positively identify gun powder residue on the hands of either defendant, the result was explained away by the fact that the defendants might have washed their hands. The window frame was sent off to the forensic laboratory for testing, and when a bullet hole was verified in the frame, with carbonaceous material, it was disregarded. The detectives made note of the holes in the curtains in the general offense report, so there must have been an original belief that the condition of the curtains held some evidentiary value, yet the curtains were not collected and analyzed for gunshot residue. The condition of the curtains then became transformed over time into areas of "dry rot" as described by Detective Bradley during his deposition. The alibi witnesses, who were close friends with the victims, were discounted as people who might lie on Defendant

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<sup>43</sup> See Nickerson, Raymond S. (Tufts University), Confirmation Bias: A Ubiquitous Phenomenon in Many Guises, *Review of General Psychology*, 1998, Vol. 2, No. 2, 175-220.

<sup>44</sup> Dror, I. E., & Charlton, D. (2006), Why experts make errors. *Journal of Forensic Identification*, 56, 600-616; Dror, I. E., Charlton, D., & Peron, A. (2006), Contextual information renders experts vulnerable to making erroneous identification. *Forensic Science International*, 156, 74-78.; Alafair S. Burke, Improving Prosecutorial Decision Making: Some Lessons of Cognitive Science, 47 *Wm & Mary L. Rev.* 1587 (2006).

<sup>45</sup> Cline, Austin. "Confirmation Bias: Flaws in Reasoning and Arguments." *ThoughtCo.*, June 22, 2018, [thoughtco.com/confirmation-bias-250361](http://thoughtco.com/confirmation-bias-250361).

Williams' behalf. The hole in the screen was explained as something that could have been made during a previous event, and the glass on the bed was simply ignored. People on the scene claimed that Tony Gordon said he saw someone standing at the window firing shots, which is corroborated by the physical evidence. Gordon failed the polygraph arranged by the State after he denied that he witnessed the shooting. While the police had probable cause to arrest the defendants, the inconsistencies in Victim Marshall's accounts, the changes to and evolution of her testimony, and the evidence available over the course of this case was sufficiently significant to call the prosecution's attention to the weakness of their premise.

Having focused on Defendant Myers and Williams as the suspects, it does not appear that other potential suspects were developed or pursued. Although not known to law enforcement at the time, Nathaniel Lawson has since confessed to committing this crime. He was present on scene that night, drove away with Rico Rivers, and there is no other known explanation for why he would be present.

## **IX. CONCLUSION**

The CIR investigation has led to the conclusion that the shooting in this case occurred from outside the bedroom window and not from inside the bedroom. This event occurred at night, while the victims were sleeping, and through a bedroom window flanked by curtains, making it physically impossible for Victim Marshall to have identified the shooter. A jury presented with the evidence known by the CIR could not conclude, beyond a reasonable doubt, that either defendant committed the shooting and murder.

The CIR investigation did not develop evidence of malicious intent on the part of any of the individuals involved in this case. Hindsight is always 20/20. Given that many of the individuals who had information regarding this case are now deceased, and the physical evidence is no longer available, attempting to ascertain the "how and why" might be less important in this instance than "this is where we are, so now what?" If we attempt to address how these men were convicted, it appears that this case was shaped by three significant factors: 1) this death penalty case was tried within two months of the defendants' arrest; 2) the jury never heard any of the physical evidence; and 3) eyewitness testimony is powerful evidence.

The defendants were arrested on May 2, 1976, and this case was tried on July 22, 1976, and then again on September 1, 1976. The trial court controls the court's calendar, but the record suggests that defense counsel never sought a continuance of the trial in this case. Many of the pleadings, motions, forensic reports, and depositions were dated in July 1976. Work was being done on this case up to the date of the original trial. There is no way to know what work might have been foregone or what was overlooked by the defense given the constraint of time. While

this may have been the accepted practice in 1976, this is no longer the current trial practice for death penalty cases, and for good reason in light of the fact that individuals are facing the ultimate penalty.

Second, the jury was not given the benefit of any of the potentially exculpatory evidence. Neither the State nor the defense chose to present any of the physical evidence. The State, certainly, did not present evidence inconsistent with its theory of the case, and the defense chose the trial strategy of preserving first and last closing arguments which eliminated the ability to present witnesses or evidence. The jury did not hear from a single one of the multitude of alibi witnesses. These were alibi witnesses who were not related to the defendants and who were friends with the victims. A dozen or more people could have been paraded into court to testify as to the whereabouts of Defendants Myers and Williams at the time the shots were fired. The jury did not receive testimony about the screen with the hole in it. The screen was not entered into evidence and no pictures of it were presented at trial. The jury did not receive testimony about the broken window or the glass on the bed. The jury did not hear that the window had a bullet hole in the frame with carbonaceous material on it. There was no mention of the curtains in front of the window having multiple holes in them. The curtains were not entered into evidence. No argument was made that the victims were moving away from the window during the shooting. It was not mentioned that Victim Williams was shot on her back side, the side which faced the window. There was no argument to question why there were no bullet holes in the pillow or bedding if Victim Marshall was shot in her neck, twice, as she lay on her right side, from the direction of the foot of the bed. There was no mention that the forensic analysis determined that all the bullets were fired from the same firearm, and the analyst was not called as a witness. There was no mention of the fact that only one type of bullet, .38 caliber, was found. There was no mention that the forensic science was indicative of one shooter. The defendants were not called to testify and rebut the testimony of Victim Marshall. Defendant Myers was 18-years-old and had no impeachable criminal history.

During closing arguments, the defense argued that Victim Marshall was a heroin addict and criminal, but they never challenged her reliability as a witness by presenting the evidence which impeached her testimony. Though they argued that her story was "uncorroborated" and "did not make sense," they conceded her description of the shooting, including that there were two shooters inside her bedroom, and simply argued that the shooters were not Defendants Myers and Williams, without suggesting alternative perpetrators. The reality was that Victim Marshall could not have seen the perpetrator who shot through the bedroom window, and would not have known that person's identity. That was the crux of the case and yet it was never argued to the jury. Given the arguments presented, it appears that counsel was either unaware of some of the evidence, failed to interrogate the evidence, or failed to thoroughly

investigate the case, which might have to do with the fact that this case was tried within months of the arrests.

While the trial strategy of failing to call witnesses or present evidence to preserve first and last closing argument may have been acceptable in 1976, this practice is no longer allowed. Perhaps once acceptable practice, this strategy fails to explain defense counsels' choice to waive opening statements and leave the jury with nothing but the State's version of events. The trial strategy does not appear well reasoned given the plethora of witnesses and evidence available for the defendants' case in chief. Ultimately, there was only the eyewitness' account for the jury's consideration. Without being able to consider all the evidence, this trial could not be a search for the truth. This poor strategy amounted to ineffective assistance of defense counsel, and the defendants were deprived their right to a fair trial as contemplated by the United States Constitution.

Lastly, the testimony of a victim of a crime is the life-blood of criminal prosecutions, but victims are human beings and human beings are capable of being mistaken. In this case, the eyewitness account shaped the prosecution, although the forensic evidence was not susceptible to inaccurate memory or motives to fabricate. The State of Florida understood that eyewitness testimony is powerful evidence, and effectively argued in closing argument that "[w]hen you have an eyewitness you don't need all the forensics, you don't need all that stuff." But here, they had that "stuff." In a criminal prosecution, the forensic evidence should inform the prosecution, while a reliable eyewitness account corroborates and substantiates the forensic evidence. In foregoing the forensics, the State relied on the testimony of one individual, and it is upon this testimony alone that these two men are serving life sentences, in the face of overwhelming contradictory forensic evidence and alibi testimony.

## **X. INDEPENDENT AUDIT BOARD**

An Independent Audit Board (“IAB”) was convened to review the facts and circumstances underlying the convictions of Defendants Myers and Williams at the conclusion of the CIR investigation. The role of the IAB is to provide an independent audit of the facts of the case and investigation conducted by the CIR. The IAB is comprised of independent, outside members of our community at large. In this case, the panel was comprised of two former Fourth Judicial Circuit prosecutors, a retired Fourth Judicial Circuit career public defender, a retired former FBI agent, and a member of the Jacksonville professional, business community. Each panel member was provided a copy of the CIR report, all depositions, the trial transcript, police reports, a forensic analysis report, all written statements, all photographs, medical records, the autopsy report, Florida Department of Corrections records for both defendants, polygraph results, and the report prepared by Knox and Associates. The panel was invited to request additional information or documentation necessary for their review of the investigation.

The panel met as a group on two occasions to discuss the facts and circumstances of this case. During panel discussion, the panel noted that, even if one were to disregard the alibi evidence and the evidence that another individual had confessed to committing the shooting, the surviving victim’s statement was not supported by the physical evidence at the scene. The panel placed great weight in the physical evidence documented at the scene, including the hole in the screen, the broken window pane, the glass located on the bed, the holes in the curtains, the bullet strike on the window frame, and the ballistic analysis. The panel unanimously agreed that the evidence supported a finding that the shooting occurred from outside the bedroom window. Of particular interest to the panel was the ballistic report finding evidence of only one gun being used in this event, the fact that the “sound” experiment confirmed that the party-goers were not likely to hear shots fired inside the bedroom, and the fact that Defendant Myers turned down a favorable plea deal that would have resolved his case. Additionally, the panel found the alibi witness testimony credible and gave significant weight to the fact that Nathaniel Lawson confessed to the shooting and could be placed at the scene of the crime at the time the crime was committed.

After reviewing the report, records, and documents, the IAB met to discuss the facts amongst the group, and were unanimous in its finding that there is not sufficient evidence of guilt to support the Defendants’ convictions, hence there is evidence to support a lack of faith in the convictions. Additionally, although there is no definitive proof of innocence, such as DNA evidence, the panel agreed that there was sufficient credible evidence to support a finding that the defendants are, in fact, “probably” innocent of the charges.

## **XI. NEXT STEPS**

As a result of the investigation conducted by the Conviction Integrity Review Division, it is the finding of the CIR that: 1) Defendant Myers, and in turn Defendant Williams, has presented claims of actual innocence that are corroborated and substantiated by credible evidence, and 2) Defendant Myers and Defendant Williams did not receive effective assistance of counsel adequate to ensure a fair trial as contemplated by the Sixth Amendment of the United States Constitution. These men would not be convicted by a jury in 2019 if the jury were presented with all the exculpatory evidence.

Based upon the totality of the evidence and information known to the State Attorney's Office as of February 1, 2019, the Conviction Integrity Review Division recommends to the Honorable State Attorney that a determination that the office has lost faith in the convictions of both Defendant Myers and Defendant Williams is warranted. There is no credible evidence of guilt, and likewise, there is credible evidence of innocence. The Conviction Integrity Review Division moves the Honorable State Attorney to file a motion to vacate the convictions of both individuals and, if granted by the Court, to then dismiss the Indictments rendered against Defendant Myers and Defendant Williams. In the alternative, the State of Florida should consent to a motion to vacate the convictions filed by Defendant Myers and Defendant Williams, and if granted by the Court, should then dismiss the Indictments rendered against Defendant Myers and Defendant Williams.

## Exhibit A



## Exhibit B



## Exhibit C

STATE OF FLORIDA  
DEPARTMENT OF CRIMINAL LAW ENFORCEMENT

P.O. BOX 1489  
TALLAHASSEE 32302

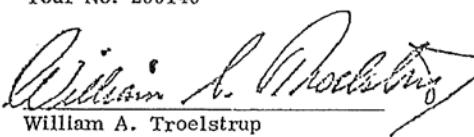
WILLIAM A. TROELSTRUP  
COMMISSIONER TALLAHASSEE REGIONAL CRIME LABORATORY 488-7880

July 5, 1976

TO: Honorable Dale Carson  
Sheriff, Duval County  
Post Office Box 2070  
Jacksonville, Florida 32202

FDCLE Lab No. 76 05 11185  
Your No. 260140

ATTN: Deputy R. E. McCoy

  
William A. Troelstrup  
Commissioner

RE: CLIFFORD WILLIAMS  
Death Investigation  
Jeanette WILLIAMS and  
Nina MARSHALL  
DUVAL COUNTY  
05-02-76

  
D. E. Champagne  
Crime Laboratory Analyst

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SUBPOENAS PERTAINING TO THIS CASE SHOULD BE DIRECTED AS  
FOLLOWS: "FLORIDA DEPARTMENT OF CRIMINAL LAW ENFORCEMENT,  
CRIME LABORATORY BUREAU, FDCLE LAB NO. 76 05 11185."

REFERENCE:

This report has reference to the following exhibits which were received at this laboratory May 18, 1976 via Registered Mail #511596.

EXHIBITS:

- #1 One (1) fired .38 caliber damaged coated lead bullet listed as recovered from head of victim, J. Williams.
- #2 One (1) fired .38 caliber damaged lead bullet listed as recovered from left shoulder of victim J. Williams.
- #3 One (1) deformed metallic fragment listed as recovered from J. Williams.

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Honorable Dale Carson  
July 5, 1976

76 05 11186  
Page Two

(continued)

- #4 One (1) fired .32 caliber damaged lead bullet listed as recovered from J. Williams.
- #5 One (1) fired .38 caliber damaged lead bullet listed as recovered from N. Marshall.
- #6 One (1) fired .38 caliber lead bullet with flattened base listed as recovered from scene.
- #7 One (1) fired .38 caliber damaged semi-wadcutter lead bullet.
- #8a One (1) window listed as recovered from scene.
- #8b One (1) fired .38 caliber damaged lead bullet listed as recovered from scene.

RESULTS:

EXHIBITS #1, #2, #6, #7 and #8b

These bullets were compared microscopically with each other. All were fired from the same weapon.

These bullets bear rifling impressions of 8-grooves, right twist, of dimensions typical of Arminius revolver in .38 Special caliber. Since this is not necessarily the only brand possibly involved, any weapon of the given specifications should be considered for submission to the laboratory.

EXHIBITS #3 and #5

These bullet portions are .38 caliber and bear rifling impressions of only limited identification value with respect to the particular weapon from which fired, due to impact/penetration effects. While some evidence of a relationship was noted with Exhibits #1, #2, #6, #7 and #8b, it was too limited in amount and character for conclusive examination results.

EXHIBIT #4

This bullet bears rifling impressions of 6-grooves, right twist of dimensions typical of Regent, H&R and H&A revolvers in .32 caliber. Since these are not the only brands possibly involved, any weapon of the given specifications should be considered for submission to the laboratory.

Honorable Dale Carson  
July 5, 1976

76 05 11185  
Page Three

(continued)

EXHIBIT #8a

Visual and microscopical examination of this frame revealed an apparent bullet hole in the lower right portion. Examination of the holed area revealed the presence of carbonaceous material (smudge). No other indications of close range gunshot were found.

REMARKS:

Exhibits #1 through #7 and #8b were compared microscopically with submitted evidence bullets in your case numbers #57523, #433362, #262904 and with the unidentified evidence ammunition components in the open case files; all with negative results.

Exhibits #1, #2, #3, #4, #5, #6, #7 and #8b will be retained in the open case files pending submission of suspect weapons.

Exhibit #8a was returned to your agency by UPS on June 17, 1976.

WAT/dec/gar/prg

## Exhibit D



## Exhibit E



## Exhibit F



## Exhibit G



## Exhibit H



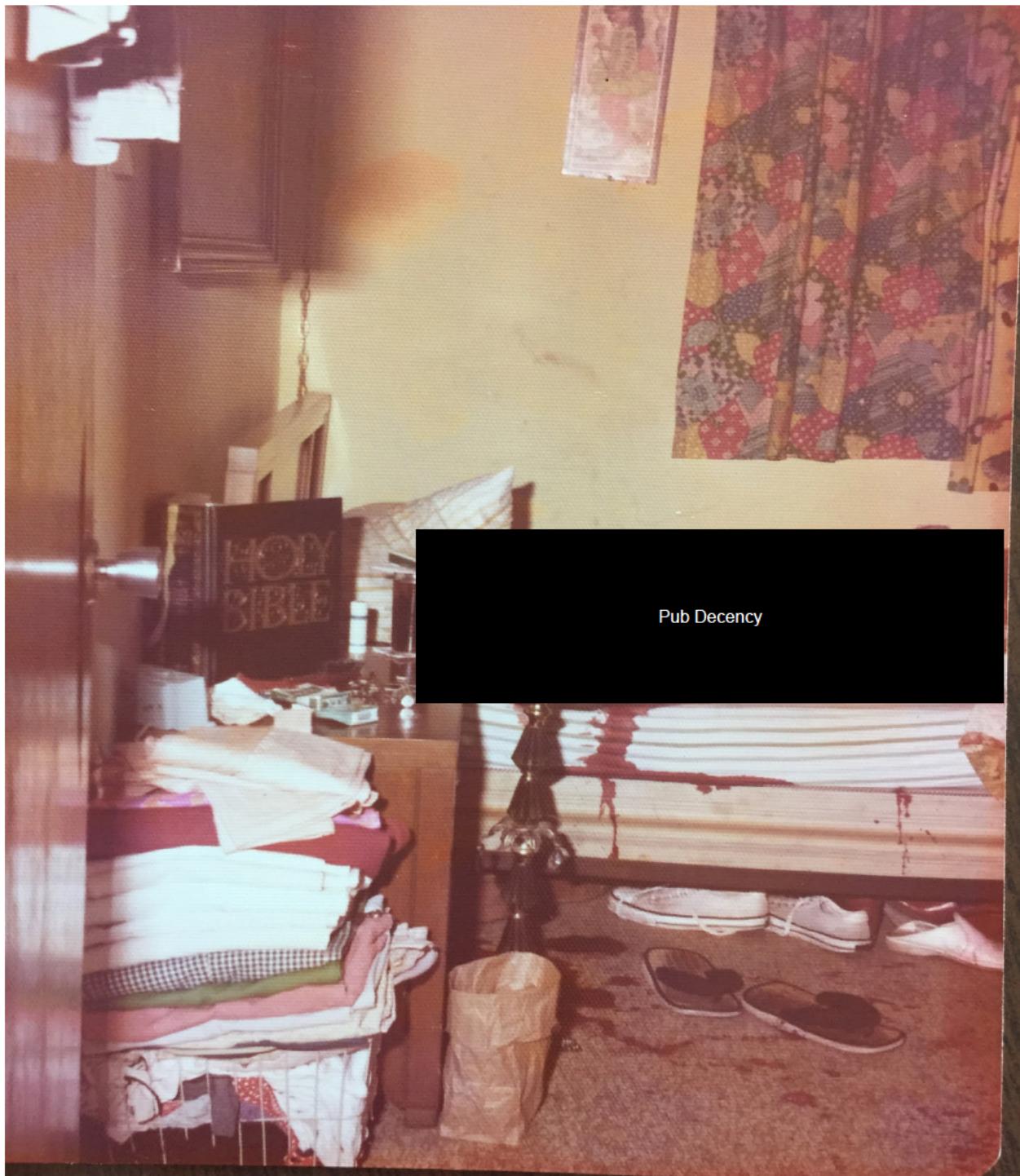
## Exhibit I



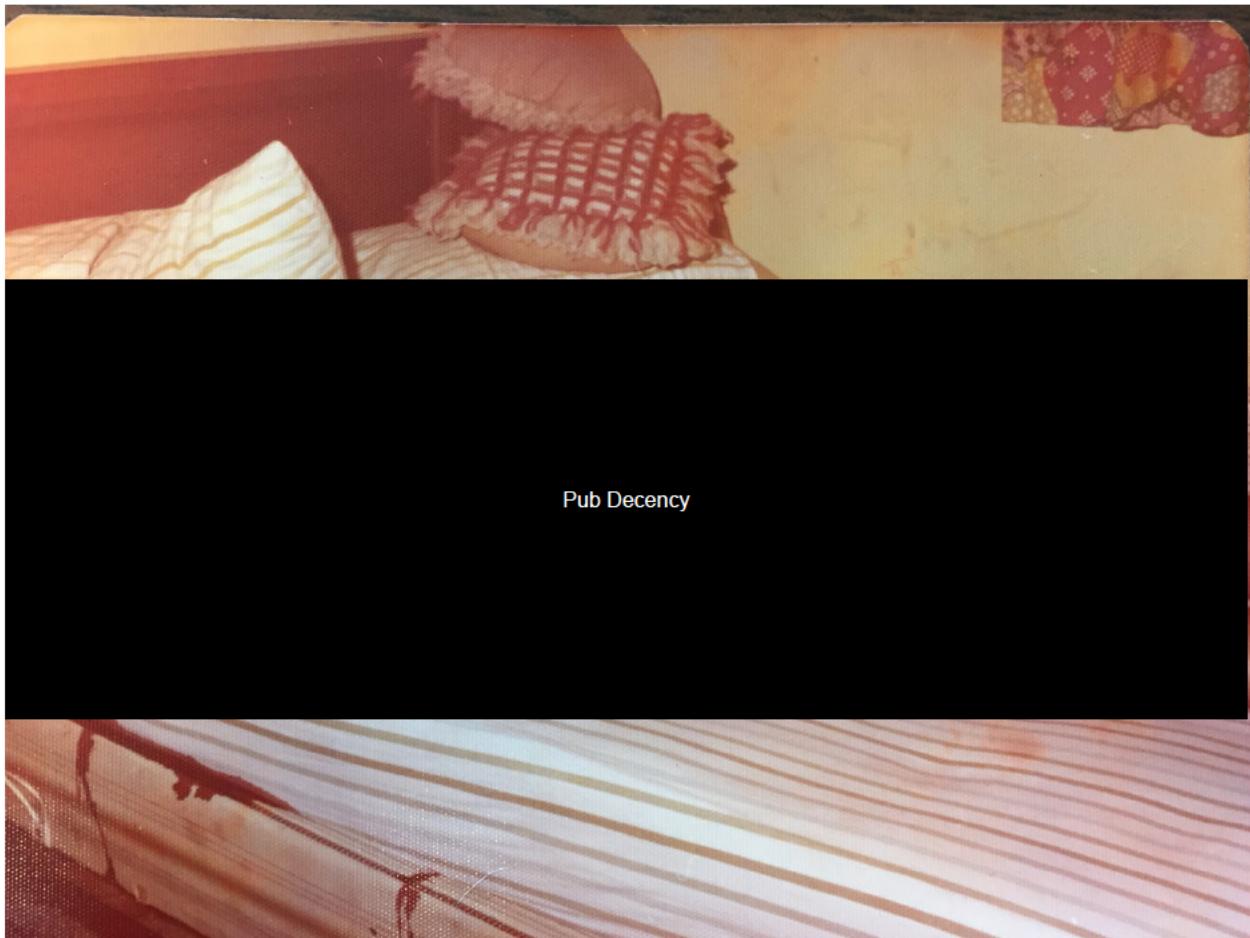
## Exhibit J



## Exhibit K

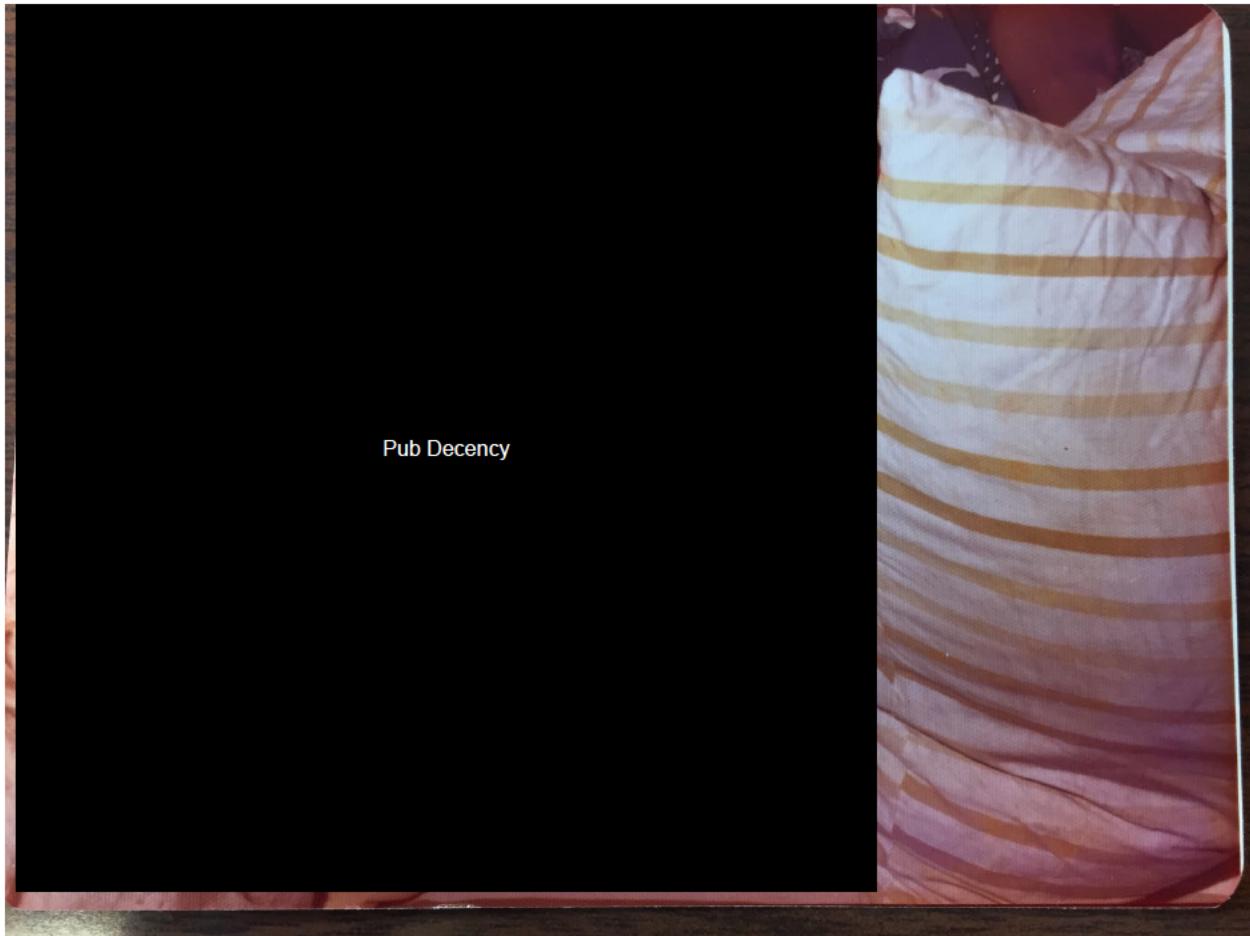


## Exhibit L



Pub Decency

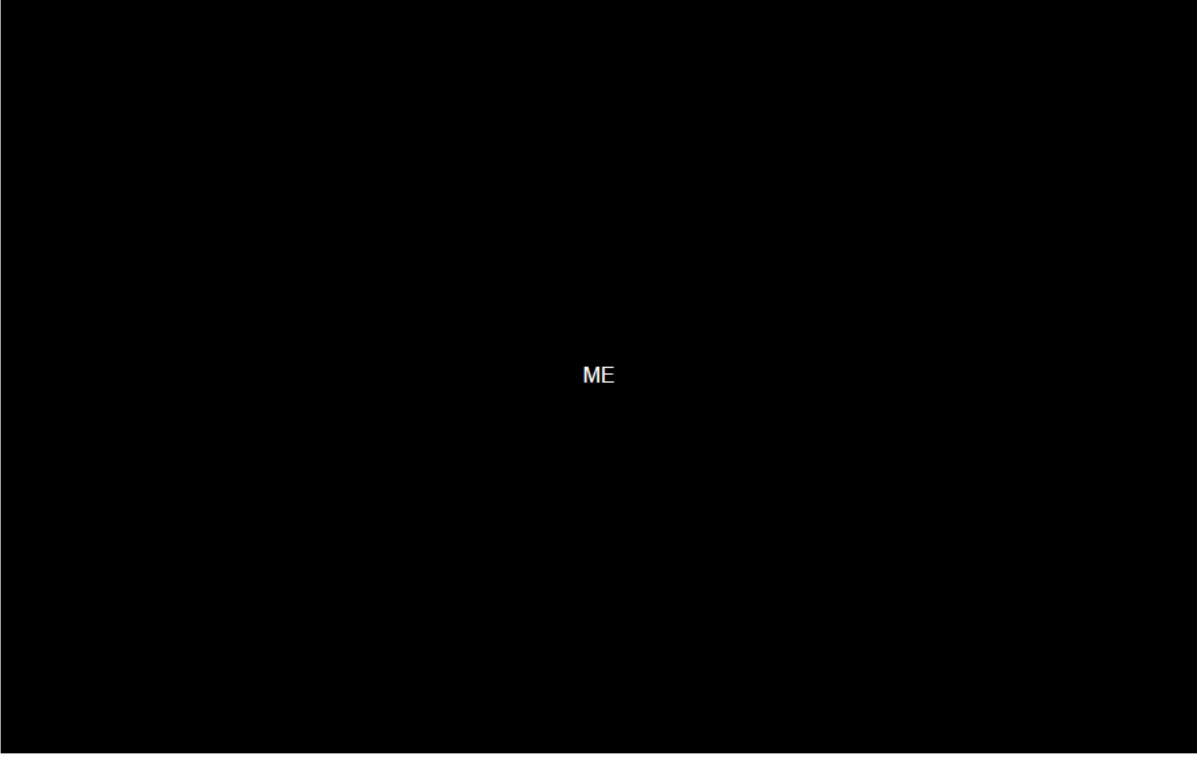
## Exhibit M



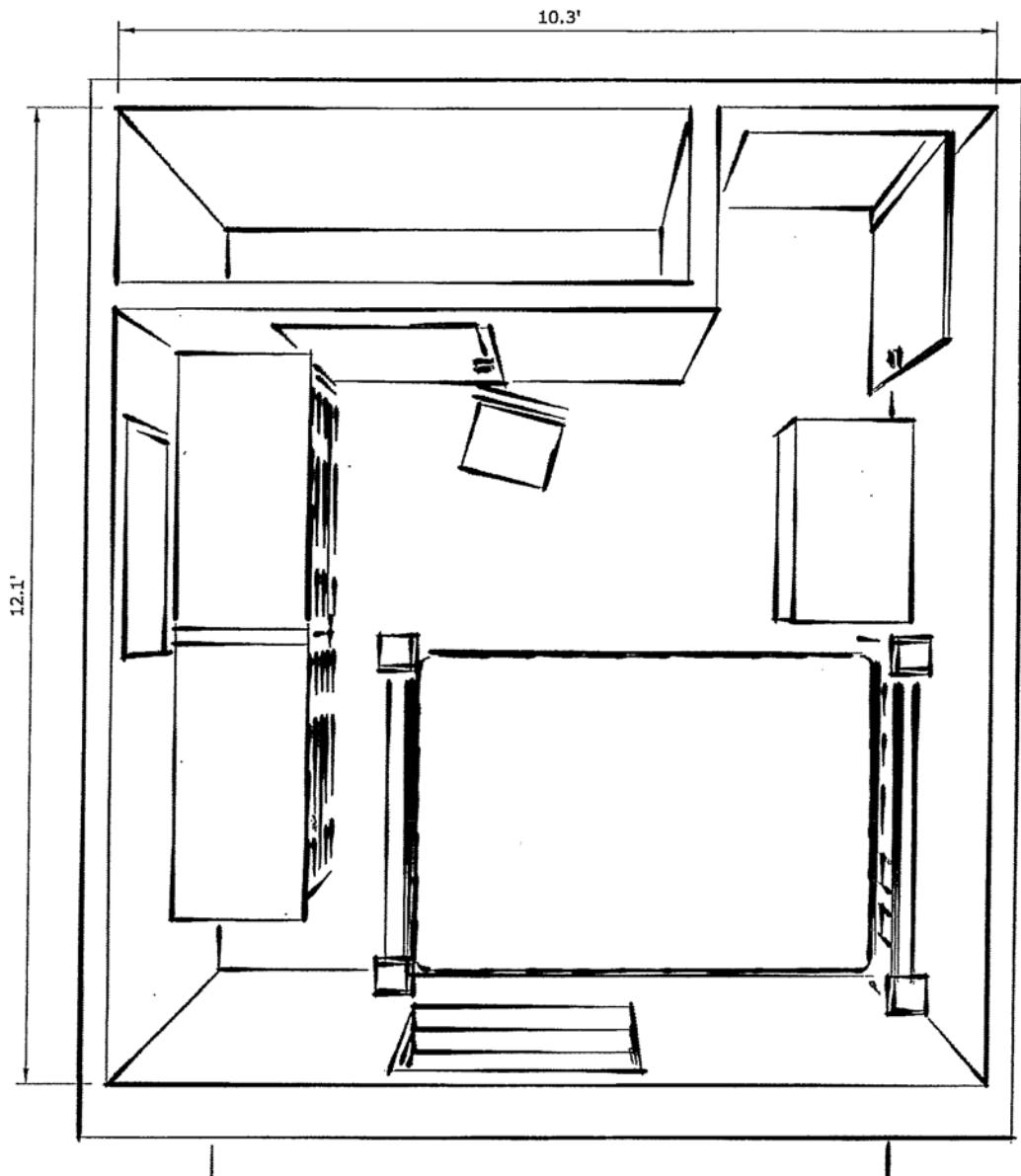
Pub Decency

## Exhibit N

ME



## Exhibit O



## Exhibit P



## Exhibit Q



## XII. APPENDIX I

### SUMMARY OF (ALIBI) WITNESS INTERVIEWS:

May 2, 1976; May 12, 1976 (police interview):

**Rachael Jones** was interviewed the night of the shooting and confirmed that Mr. Williams and Mr. Myers had been present at the party. The party was at her apartment to celebrate her birthday. She was again interviewed on May 12, 1976, and confirmed that Mr. Williams, his wife, and Mr. Myers were present at the party. She remembered both Mr. Williams and Mr. Myers being inside the apartment when they heard shots fired. She thought she might have been in her bedroom with Mr. Myers playing records and then stated that Mr. Williams was in the kitchen and Mr. Myers was inside the apartment. (GOR, p. 5, 8).

May 26, 1976 (police interviews):

**Nellie Mae Anderson** stated that she saw Mr. Williams, his wife, Mr. Myers, and Rico Rivers arrive at the party. She said they got there later but she could not be sure what time. She said that she was eating along with Mr. Williams and Mr. Myers when they heard shots fired. She said that people from the party walked down to the scene after someone came in and said the police were there. She remembered Mr. Williams and Mr. Myers being part of the group that was at the scene. (GOR, p. 11).

**Dorothy Benson** remembered seeing Mr. Williams and Mr. Myers sitting at the kitchen table eating around 2:00 am. She passed out after that and did not wake up until the following morning. (GOR, p. 12).

**Kay Frances Brown** told the police she saw Clifford Williams, his wife, Nathan Myers, and Rico Rivers arrive at the party. She fixed a plate of food for everyone, and a short time later, she heard shots. She thought that about 10 minutes later someone said the police were out there. (GOR, p. 9).

**Joann Fleming** stated she was back and forth to the party. She lives with Debra White in the apartment next to Rachael Jones. She said when she heard shots she looked out of her apartment and saw Mr. Williams come out of Rachael Jones' apartment, walk to the road, and then go back into the apartment. Approximately 15 minutes later the police arrived, and she walked down the street with Mr. Williams. (GOR, p. 10).

**Ethel Howard** saw Mr. Williams, his wife, Mr. Myers, and Rico Rivers arrive at the party. She remembered they got a plate of food and started to eat. Shortly thereafter she heard 5 shots

which she described as very loud. Approximately 15 to 20 minutes later, she saw police cars. (GOR, p. 11).

**Ella Ruth Maddox** stated she saw Mr. Williams and Mr. Myers arrive at the party, but she left to take a friend home prior to the shooting. (GOR, p. 10).

**Carolyn McDaniel** also lives with Debra White and Joann Fleming. She discussed the party with Clifford Williams earlier in the evening while she was at the Pickup Lounge. She said she got to the party between 12:15 and 12:30 and Clifford got there a short time later. (GOR, p. 10-11).

**Rosa Lee Royster** said that she saw Mr. Williams and Mr. Myers arrive at the party around 12:30 am, they got some food, and started to eat. She saw Mr. Rivers pull up in a white pickup truck and did not remember seeing him around the time the shots were fired. She said the shots sounded very loud and were in rapid succession. She remembered Mr. Williams walking by her with a plate of food in his hands; he walked to the roadway, looked, and walked back to the party saying that someone was firing shots into the air. She left about 20 minutes after that. Ms. Royster also told the police that Jeanette Williams had asked to borrow \$100 the day before the incident because she owed Clifford Williams \$100 and he was pressing her for it. (GOR, p. 12).

**Vanessa Snype** stated that she saw Mr. Williams, his wife, Mr. Myers, and another black male come to the party. She said that she did not hear shots fired, but ran back to the party to tell others that the police were there. (GOR, p. 11).

**Deborah White** stated that she was back and forth between the party and her own apartment. She said that when she heard shots fired that she looked out her front door and saw Mr. Williams coming out of the apartment next door (Rachael Jones) with a plate of food in his hands. (GOR, p. 10).

**Virginia Wilkerson** was interviewed by the detectives and stated she was with Pauline Dorsey (Dawson) at the party. She saw Mr. Williams and Mr. Myers arrive at the party. A short time later she heard shots fired and went across the way to her own apartment to check on her children. (GOR, p. 9).

*\*\*The General Offense Report has a notation that the women who provided these statements "are admitted homosexuals and all seem to have a close association with one another." (GOR, p. 12-13).*

July 16, 1976 (depositions):

**Barbara Jean Williams**, wife of Clifford Williams, stated she had been at Rip's Corner located on Davis Street prior to going to the party. (p. 6-7). She, Clifford Williams, Nathan Myers, Rico Rivers, and Rosetta Simmon went to the party together (in a pickup truck owned by someone else but driven by Nathan Myers). (p. 17). Ms. Williams stated they stayed at the party once they got there, and she named several people she knew were there. (p. 24-25). Ms. Williams stated that she never saw a gun that night, and that Clifford and Nathan were at the party. (p. 40). When she heard gunshots fired, she remembered seeing Clifford in the living room with a plate of food in his hands. (p.34). Nathan was also in the living room and Rico was standing next to the refrigerator in the kitchen. (p. 35). She remembered Clifford going to the apartment door and looking out and making a comment about a drunk or someone shooting. (p. 37). Barbara Williams stated she left the area around 4:00 am with Rosetta Simmon, Rico Rivers, and Nathan (probably Nathaniel) Lawson. She testified that she, Clifford Williams, and Jeanette Williams were good friends, and that they were all impacted by her death. (p. 42); [Barbara Williams](#).

**Nellie Mae Anderson** testified she was with Carolyn McDaniels when Carolyn told Clifford Williams about the party at Rachael's house. (p.9). She remembered when Clifford got to the party. He was with his wife, Nathan Myers, Rico Rivers, and another black female. (p. 7). She remembered that Mr. Williams came in and got a plate of food. At the time she heard the shots, she remembers Mr. Williams eating in the living room with a plate of food. (p. 11). She testified that Mr. Williams went outside with his plate of food after the shots were fired. (p. 12-13). She described the shots as being very loud. (p. 14). She said she could see Mr. Williams stop on Joann Fleming's porch for a minute on his way back to the apartment, and when he came back in she asked what happened and he told her probably someone trying out their gun. (p. 15). Nathan Myers was inside the apartment when the shots were fired. (p. 15); [Nellie Mae Anderson](#).

**Pauline Dawson** testified she was at the party when Clifford Williams arrived. He and his wife came into the kitchen where she was sitting. Ms. Dawson stated she offered Barbara Williams her seat because she was pregnant. (p. 6-7). Ms. Dawson remembered seeing Nathan Myers at the party and thinks that she was in the kitchen when she heard gunshots. (p. 7, 9). She stated that when the police arrived, everyone went down toward Jeanette Williams' apartment, including Clifford Williams and Nathan Myers. (p. 10-13);

[Pauline Dawson](#).

**Joann Fleming** lived in the apartment next to the party. She testified she remembered Clifford Williams arriving at the party. She saw Clifford Williams, his wife, Nathan Myers, and a friend of his wife's. (p. 7). She remembered sitting on the sofa with Mr. Williams and talking to him. She stated that when she heard shots, she looked up from where she was in her apartment, and saw Mr. Williams come out of the apartment next door, he then went to the street and looked. When he walked back to the apartment, she asked him who was shooting, and he said he did not see anyone. She said she saw Nathan come out of the apartment also, and he sat there and spoke to some girls. (p. 7). When the police got there people walked down to Jeanette Williams' apartment, and she walked down with Clifford Williams. (p. 7); [Joann Fleming](#).

**Carolyn McDaniels** lived in the apartment next to the party with Joann Fleming and Ella Ruth Maddox. She testified that she told Clifford Williams about the party and told him to come by and get some food (because she knew he liked greens). (p. 5). She remembered seeing Clifford Williams, Nathan Myers, and Rico Rivers at the Pickup Lounge, and then she saw them at the party. (p. 7-9, 11). She did not know when they arrived and at some point she fell asleep. People woke her up and she walked down to Jeanette Williams' apartment when the police were there. Clifford Williams was in the back of a patrol car, and when she asked him why, he told her he did not know why. (p. 14); [Carolyn McDaniels](#).

**Virginia Wilkerson** remembers Clifford Williams, Nathan Myers, Barbara Williams, Rico Rivers, and another woman coming to the party shortly after 1:00 am. (p. 9). She remembered seeing them in the kitchen, and Clifford's pregnant wife was offered a seat at the kitchen table. (p. 12). Ms. Wilkerson described a lot of people being at the party; people were in the living room, kitchen, and both bedrooms. (p. 13). She stated that someone announced that rescue had arrived and everyone from the party went outside to see what was going on, including Clifford Williams and Nathan Myers. (p. 16-17). Ms. Wilkerson stated that she did not understand (how Clifford and Nathan could be involved) because they were at the party, in the living room with everyone, and stated she had been "in the floor jiving with Boonie (Clifford Williams) and them." (p. 18-19). She testified that she and the other women on the street were upset by Baldie's (Jeanette Williams) death because she was like a sister to them. (p. 27); [Virginia Wilkerson](#).

July 17, 1976 (deposition):

**Rachael Jones** was deposed on July 17, 1976. Ms. Jones lived in the apartment where the party took place. She knew Clifford Williams and remembered him arriving at the party with Nathan Myers, a pregnant woman, and a man in a blue jean suit. (p. 12). When the shots were fired, Ms. Jones remembers seeing Mr. Williams sitting on the sofa eating food. The man in the blue

suit was standing in the kitchen. (p. 15, 17). Nathan Myers was sitting on a stool by the door eating a plate of food. (p. 17). She testified that after people heard the shots, Clifford and Nathan came out of the apartment to see what was going on. (p. 15, 18). Ms. Jones testified that she wasn't really a friend of Clifford Williams, Nathan Myers, or Nina Marshall, but that she was a friend of Jeanette Williams. (p. 26); [Rachael Jones](#).

July 20, 1976 (deposition):

**Raymond Rico Rivers** stated he knew both Clifford Williams and Nathan Myers, and was with Clifford Williams for most of the afternoon and evening of May 1 into May 2, 1976. He and Clifford Williams had been at the Pickup Lounge and then went to Rip's Corner during the late hours of May 1<sup>st</sup>. He saw Barbara Williams at Rip's Corner and went to the party at Rachael Jones' apartment with her, her friend Cookie, Nathan Myers, and Clifford Williams. He believed that they arrived around 1:30 am. (p. 13-17).

Mr. Rivers stated they all made their way to Rachael Jones' kitchen to get a plate of food when they got to the party. Mr. Rivers stated that Barbara Williams was sitting at the table in the kitchen, and Mr. Williams had a plate of food and was there talking to her. He remembered Nathan Myers getting a plate of food and going into the living room to sit in there and eat. Mr. Rivers was confident that Mr. Williams and Mr. Myers had not left the party, and he remembered seeing them with plates of food. (p. 23-25).

After being at the party for approximately 15-20 minutes, Mr. Rivers remembered hearing 4-5 gunshots. At that time, he was still standing in the kitchen eating. His testimony was that Mr. Williams was also in the kitchen, and Nathan was sitting in the living room. (p. 30). He stated when the shots were fired some people outside the apartment ran inside. A few minutes later, he and Williams walked out the front door to see what was going on. Later, when the police arrived, people from the party walked down to see what was going on. (p. 32-35). He was present when Mr. Williams and Mr. Myers were arrested. (p. 35-36); [Rico Rivers](#).

### **XIII. APPENDIX II**

#### Knox Report

#### **XIV. ADDENDUM**

The CIR was able to locate the family of Jeanette Williams and discussed the reinvestigation of this case with them. After discussing the investigation, the family was invited to submit statements to be attached to this report. Two of Ms. Williams' siblings have provided statements which are attached to this report.

The CIR was unable to locate the family of Nina Marshall despite our attempts to do so.

Joyce Young  
December 9, 2018

Subject: Clifford Williams and Nathan Myers

Jeanette Williams, no relation to Clifford Williams, was my sister who as far back as I can remember was a caring and nurturing sister. She looked after me and my nine siblings. She was our protector and on May 2 1976 she was taken away from us. Once a friend she was loyal to the end, a heart of gold and would not hurt a soul.

It is my understanding that those listed above proclaim their innocents. I feel that in my hearts of hearts they are not and if they didn't commit the crime they played a part in it. As far as it goes I forgive them for the final judgement will come from God. My heart continues to ache for the loss of my sister. My mother who is 89 years old still cries and gets depressed when talking about her and while life goes on, the pain continues to linger.

Sincerely,  
Joyce Young

Sharon A. Young  
157 Rhode Island Ave. NE  
Washington, DC 20002

Shelly L. Thibodeau  
Director, Conviction Integrity Review Division  
State Attorney's Office 4th Circuit  
311 Monroe St.  
Jacksonville, FL 32202  
November 27, 2018

Re: Family of victim Jeannette E. Williams  
Letter in reference to Clifford Williams, and Nathan Myers.

Feelings of forgiveness, first for the person/persons responsible for the Death of our loved one and my sister. It is my understanding that developments in the case has changed the original report and statements from witnesses. I am not sure if the developments will or not help the accused, I am sure that if one or both are innocent of the actual shooting, they are not innocent of coming forward before now when others claim to be guilty were alive, I ask the God we serve to punish those guilty of the crime and forgive the innocent if there are any.

I forgive, but I will never forget the pain and sorrow of the tragic death of my sister and those involved, rather they pulled the trigger or had knowledge of who did or ordered it, they are just as guilty. What I am also sure of is the one responsible will pay for their crime if not while living in death. I close with the fact my Mother lost a child, we lost a sister, and others lost a relative and a friend, how do you replace that.

No deed goes unpunished or rewarded. I do believe a life can be turned around and speak from experience, I did not always make the right decisions in life also, when I found the crowd was wrong, I got away from them, because my choice was not to be a criminal, but successful.

I accomplished that goal in my life, anyone can turn around, or change their lifestyle, that is a choice, and if Mr. Williams, and Mr. Myers choose the wrong path in life, and did not change, then they must suffer the consequences that come with them. May God have mercy on the guilty and innocent.

Respectfully Submitted,  
Sharon A. Young

# Redaction Log

Total Number of Redactions in Document: 4

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
60	Pub Decency	<p>This section contains material which is sensitive, graphic, or of an intimately personal nature and falls within the Office's Public Decency Policy.</p> <p>For the full Public Decency Policy, please see the website, <a href="http://www.sao4th.com">www.sao4th.com</a>, to review the Public Records Department Policies and Procedures.</p>	1
61	Pub Decency	<p>This section contains material which is sensitive, graphic, or of an intimately personal nature and falls within the Office's Public Decency Policy.</p> <p>For the full Public Decency Policy, please see the website, <a href="http://www.sao4th.com">www.sao4th.com</a>, to review the Public Records Department Policies and Procedures.</p>	1
62	Pub Decency	<p>This section contains material which is sensitive, graphic, or of an intimately personal nature and falls within the Office's Public Decency Policy.</p> <p>For the full Public Decency Policy, please see the website, <a href="http://www.sao4th.com">www.sao4th.com</a>, to review the Public Records Department Policies and Procedures.</p>	1
63	ME	<p>Autopsy Photographs, Video or Audio Recs See § 406.135, F.S. and AGO 03-25</p>	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
ME	Autopsy Photographs, Video or Audio Recs See § 406.135, F.S. and AGO 03-25	63(1)
Pub Decency	<p>This section contains material which is sensitive, graphic, or of an intimately personal nature and falls within the Office's Public Decency Policy.</p> <p>For the full Public Decency Policy, please see the website, <a href="http://www.sao4th.com">www.sao4th.com</a>, to review the Public Records Department Policies and Procedures.</p>	60(1) 61(1) 62(1)